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BENCHMARK

Biennial Report Of The South Dakota Unified Judicial System Fiscal Years 1978 And 1979

(July 1977 Through June 1979)

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Courthouse Classic

The cover depicts the Yankton County Courthouse in the city of Yankton, the first territorial capitol of the Dakotas. The building, opened in 1905, still serves the county as its center of government. The court was relocated to new facilities in 1976.

Silkscreen courtesy of Peter Meyers

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BENCHMARK

BIENNIAL REPORT
OF THE
SOUTH DAKOTA
UNIFIED JUDICIAL SYSTEM
FISCAL YEARS 1978 & 1979

(July 1977 through June 1979)

Compiled and published by
SOUTH DAKOTA
STATE COURT ADMINISTRATOR'S OFFICE
PIERRE, SOUTH DAKOTA

DECEMBER, 1979

South Dakota Unified Judicial System

MARK G. GEDDES
Administrator

STATE COURT ADMINISTRATOR'S OFFICE
STATE CAPITOL
PIERRE, SD 57501
(605) 773-3474

The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency the Governor of
South Dakota

Your Honors:

As part of our continuing effort to keep the public informed about the activities of the South Dakota Unified Judicial System, I respectfully present herewith our biennial report.

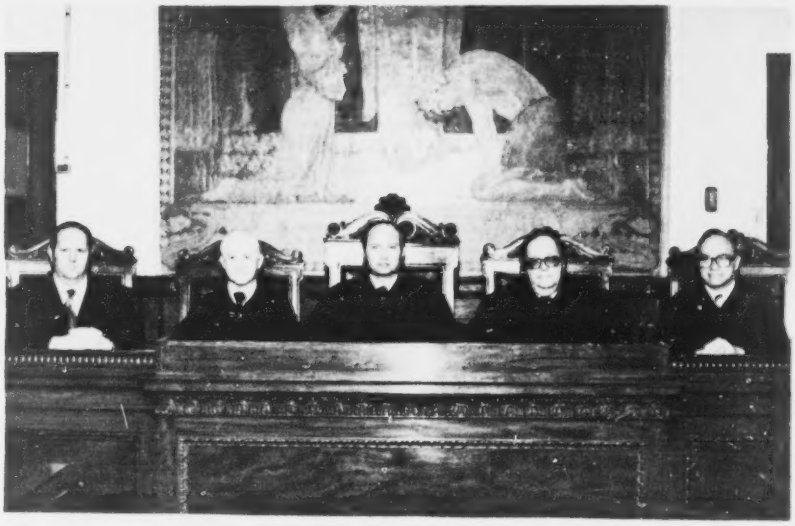
This report covers fiscal years 1978 and 1979 and includes descriptive analyses of the component offices of the judicial system, statistical data, and commentary on significant court activities from July, 1977 through June, 1979.

In compiling the material herein, our office gratefully acknowledges the support and cooperation extended by the personnel throughout the judicial system. Their contributions and comments have been invaluable.

Respectfully submitted,

Mark G. Geddes
State Court Administrator

MEMBERS OF THE SOUTH DAKOTA SUPREME COURT
1979



Hon. Frank E. HENDERSON	Hon. Francis G. DUNN	Hon. Roger L. WOLLMAN	Hon. Robert E. MORGAN	Hon. Jon FOSHEIM
Associate Justice	Associate Justice	Chief Justice	Associate Justice	Associate Justice
First District	Second District	Fifth District	Fourth District	Third District

MEMBERS OF THE SOUTH DAKOTA SUPREME COURT
1978

Hon. Donald J. PORTER	Hon. Roger L. WOLLMAN	Hon. Francis G. DUNN	Hon. Laurence J. ZASTROW	Hon. Robert E. MORGAN
Associate Justice	Associate Justice	Chief Justice	Associate Justice	Associate Justice
Third District	Fifth District	Second District	First District	Fourth District

FOREWORD

In his State of the Judiciary Message to the South Dakota legislature, delivered on January 5, 1978, Chief Justice Francis G. Dunn stated:

> The people themselves created... a court system effective to meet changing demands in the administration of justice, and those demands are great under the converging pressures of this half of the Twentieth Century. Some of these have been brought about by the United States Supreme Court's definition of Constitutional rights. Others come from actions of this Legislature in mandating new court responsibilities, and some by the evolution of court policy in reviewing more matters so that justice will be afforded the unfortunate...
>
> To meet this challenge there must be close communication and cooperation among all the branches of government...
>
> It is imperative to place... in full public view the... responsibilities we share for the administration of justice. This bridge of communication will result in honest accountability...

It is with these views in mind that we present the following information on the Unified Judicial System of South Dakota for Fiscal Years 1978 and 1979.

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THE SOUTH DAKOTA JUDICIARY:
— A PERSPECTIVE —

The fiscal-year developments presented on the following pages are a reflection of some of the most positive aspects of the American judicial process — primarily demonstrated by the willingness and ability to adapt to ambient social and technical progress. The data represent the coordinated involvement of a number of persons at all levels of the state judiciary in the effort to promote effective, credible progress in the structure and processes of the courts. Participants in South Dakota's judicial system — judges, attorneys, and administrative staff — can take pride and satisfaction in the fact that the judiciary in this state is attempting to keep pace with the advances in applicable technology by promoting the best use of appropriate devices and methods in the administration of justice.

Although there is continuing criticism of our national and state legal system, the mechanisms for improvement of our judicial process are always available. The development of the American judiciary has consistently demonstrated, as is evident from our history, an amalgamation — with emphasis on careful balance — of stability and progressive change. Even in our current trial practice, our system combines ancient aspects of English Common Law, an illustration of which would be our extensive use of the jury system, with some eighteenth century European theory, exemplified by the separation of powers and the independence of the courts. These combine with some modern developments regarding, for example, admissibility of evidence — an aspect of litigation being modified almost daily.

Stability and adaptability, then, have always been the key to the continuing acceptance of the judiciary as a vital component of our government structure. The special continuing contribution of the independent judiciary is its practical availability as a social and political adjustment mechanism in our governmental system. Our society continues to require this contribution from the judiciary.

In a society that demonstrates a need for a judicial device to dispense justice with efficiency and dispatch, the challenge to the state judicial system is to continue development of procedures and practices that will assure prompt response to the public from the judicial process.

In a society that is experiencing rapid changes in its accepted moral patterns, and dislocations in traditionally approved beliefs, the challenge to the state judicial system is to provide consistent, rational decisions to accommodate the necessary adjustments. Flexibility is required to provide transition to an acceptable, well-balanced social system in which justice and probity in the court process are integral components.

In a society growing constantly more technically complex, the challenge to the state judicial system is to become sufficiently perceptive and creative in applying new technology efficiently and economically to meet the problems that are in fact soluble through the introduction of technologically-effective concepts.

In a society demanding greater fiscal responsibility from its government agencies, the challenge to the state judicial system is to organize itself with informed emphasis on maximum economic efficacy in order to administer justice responsibly and at reasonable cost.

The material in this publication is evidence that the Unified Judicial System of South Dakota is taking the proper considered actions to meet these challenges and to continue to promote progress toward the most effective, most respectable, most responsible, system of justice available at the most defensible cost.

SOUTH DAKOTA'S UNIFIED JUDICIAL SYSTEM

The South Dakota Unified Judicial System, as it exists today, is the result of an extensive evolutionary process. It has been gradually and carefully constructed through fifteen years of study and effort on the part of the public and the governmental agencies that ultimately brought it forth.

The 1961 legislature established the initial impetus for the system through a court study commission, the objective of which was to "study the court system... and recommend legislation for its improvement." In 1963, that commission made recommendations to the legislature that became the conceptual foundation for the present unified structure. In 1969, a further step in the evolutionary process occurred when another commission was instituted to recommend Constitutional revisions. In 1972, recommendations resulting from this study were processed through the legislature and emerged as a Constitutional amendment for court reorganization to be voted on by the people of the State.

On November 7, 1972, the amendment to create a "unified judicial system" was ratified by the people, and January, 1975, was established as the target date for the implementation of the new judicial system. The new structure was intended to include election of circuit judges, appointment of clerks of court, and a more centralized administrative control. The legislatures of 1973 and 1974 then provided the statutory detail for the constitutional change, and the newly designed judicial structure began to take actual form.

The implementation of the new system meant, for the Supreme Court and its staff, the task of reorganizing a fragmented collection of relatively independent courts into a unified judiciary. The new structure was to be administered by the State's Supreme Court through the State Court Administrator. Today, after some four years of experience with the new apparatus, an integrated and centralized judicial structure of increased efficiency and professionalism has emerged.

The unification brought together at the state circuit court level a number of functions formerly delegated to other governmental bodies:

—Juvenile, probate, and mental health matters formerly handled by the district county judges.

—Less serious criminal matters formerly handled by the district county judges and justices of the peace.

—Municipal ordinance violations formerly handled by the municipal courts, justices of the peace and police magistrates.

The circuit courts have been provided staffs of professional court services officers to perform adult and juvenile probation services. Adult services formerly were provided by agents of the State Board of Pardons and Paroles, and juvenile services by county employees under supervision of district county judges.

The administrative integration of the state courts placed emphasis on management control to be exercised by the presiding judge of the circuit. The communications device provided by the monthly conference of the Chief Justice, the State Court Administrator, and all the presiding judges is 1) producing a coherent exchange of information to allow smooth and efficient adjustment of the component parts of the system, 2) providing the basic data on which budgetary decisions can be made with greater confidence, and 3) improving the organization of staffing patterns so that needs can be more clearly identified and filled. As a result, the overall integration of the courts as a "unified judicial system" is progressing at a satisfactory rate.

Among the advances made during this period, there has been a noticeable improvement in the quality and quantity of case data being processed. The method of handling and processing the information has been substantially improved with the recent utilization of the facilities of the data processing center at the state capitol. A judicial reporting system which uses these facilities for recording and filing criminal case information and juvenile court activities represents a significant improvement in the data base available for valid management decision making. Although the coding and processing of criminal and juvenile information adds a valuable dimension to the available records, there is still no provision for the processing of civil case data. The implementation of data processing in this area will be a matter of priority in the future.

The most apparent need of the system, based on caseload data, is the establishment of a more equitable process of resource distribution with due regard for financial restrictions, and with full recognition of the need to maintain an adequate level of court accommodations for all citizens of the state.

Generally, from the perspective of four years of experience with the system, the overall prognosis is very positive. Administrative efficiency is much improved, data bases for decision making grow increasingly available, and the significant problems of the system are being identified, if not yet resolved. The state of the system is at least demonstrating a real promise of administrative success for the future. Further, there is planning for valuable improvement in several areas of court-related activity. Expansion into more formalized structures of personnel training is planned for the coming fiscal years. The publication of a working manual for the clerks of court has been completed, as has a similar manual for the lay magistrates. A Benchbook for the judges is also in final form. In addition, the growth of the responsibility of the system can be seen in the expansion of the court services program into misdemeanant probation activities.

These few representative examples are mentioned to illustrate that the Unified Judicial System is developing with responsibility and effectiveness as it matures into a fully responsive and well-managed structure for the administration of justice.

. . . We seek not an imperial, but an independent, judiciary . . .

Chief Justice Roger L. Wollman
State of the Judiciary Message
January 25, 1979

SOUTH DAKOTA COURTS, JUDGES, AND JURISDICTIONS

SUPREME COURT

FIVE JUSTICES ELECTED BY DISTRICT FOR EIGHT-YEAR TERMS. MANDATORY RETIREMENT AT AGE SEVENTY.

COURT TERM COINCIDES WITH CALENDAR YEAR.

HAS ORIGINAL JURISDICTION IN CASES INVOLVING INTERESTS OF STATE. ISSUES ORIGINAL AND REMEDIAL WRITS.

HAS RULE-MAKING POWER OVER LOWER COURT PRACTICE AND PROCEDURE, EXERCISED PRIMARILY THROUGH CHIEF JUSTICE.

HAS APPELLATE JURISDICTION OVER CIRCUIT COURT DECISIONS.

RENDERS ADVISORY OPINIONS TO THE GOVERNOR, BY HIS REQUEST, ON ISSUES INVOLVING EXECUTIVE POWER.

CIRCUIT COURTS

EIGHT CIRCUITS SERVED BY THIRTY-SIX JUDGES, WHO ARE ELECTED AT-LARGE FROM WITHIN THE CIRCUIT FOR AN EIGHT-YEAR TERM.

TRIAL COURT OF ORIGINAL JURISDICTION IN ALL CIVIL AND CRIMINAL ACTIONS. HAS CONCURRENT JURISDICTION WITH MAGISTRATES' COURTS IN MISDEMEANOR TRIALS AND PRELIMINARY HEARINGS, AND APPELLATE JURISDICTION OVER MAGISTRATES' COURT DECISIONS.

MAGISTRATES' COURT

Lay Magistrate

APPOINTED BY THE PRESIDING JUDGE FOR AN INDEFINITE TERM. COMMONLY THIS FUNCTION IS PERFORMED BY THE CLERK OF COURTS. TRAINING PROGRAM PROVIDED BY THE STATE COURT ADMINISTRATOR'S OFFICE.

CONCURRENT JURISDICTION WITH CIRCUIT COURTS TO:

PERFORM MARRIAGES, RECEIVE DEPOSITIONS, ISSUE WARRANTS, CONDUCT CERTAIN PRELIMINARY HEARINGS, SET BAIL, ACCEPT GUILTY PLEAS, CONDUCT TRIALS FOR PETTY OFFENSES AND NON-CONTESTED CIVIL CASES INVOLVING PROPERTY VALUE LESS THAN $1,000.00.

Law-Trained Magistrate

LICENSED ATTORNEY APPOINTED BY PRESIDING JUDGE FOR A FOUR-YEAR TERM.

ADDITIONAL JURISDICTION IN MAGISTRATES' COURT:

CONDUCTS PRELIMINARY HEARINGS FOR ALL CRIMINAL PROSECUTIONS, ACTS AS COMMITTING MAGISTRATE FOR ALL PURPOSES. CONDUCTS TRIALS OF CRIMINAL MISDEMEANOR, CIVIL ACTIONS INVOLVING AMOUNTS LESS THAN $2,000.00, AND SMALL CLAIMS ACTIONS.

THE COURT STRUCTURE

As illustrated by the chart on the previous page, the Unified Judicial System of South Dakota functions essentially as a structure of two levels, with the circuit court level employing courts of limited jurisdiction to assist in certain types of court action. The circuit courts are the courts of general jurisdiction, with which the magistrate courts have limited concurrent jurisdiction. Circuit court judges may serve in the magistrate courts, and the magistrates may be perceived as assisting the circuit judges in managing the caseload by dealing with those actions deemed less serious. With the exception of small claims actions, decisions of the magistrates' courts may be appealed to the circuit court. The Supreme Court is the court of last resort to which decisions of the circuit courts may be appealed.

A system of ethical requirements for the Judiciary has been established and published as the South Dakota Code of Judicial Conduct. This code may be found in the appropriate statute (SDCL 16-2).

Supreme Court

The South Dakota Supreme Court, the highest court in the state, comprises five members — the Chief Justice and four associate justices. All must be licensed to practice law in the state. There is no formal age requirement, but the mandatory retirement age is seventy, after which, with the agreement of the retired justice, he or she may be called back into judiciary service in any court. One justice is elected from each of five districts in the state for a term of eight years, and the terms are staggered in order to maintain continuity on the Court. In districts four and five, justices are elected for eight year terms beginning in 1976; in districts one, two and three, the eight year term begins in 1978.

The drawing on page 6 illustrates the boundaries of the five Supreme Court electoral districts. The Chief Justice is elected by majority vote of the five justices from among their own number for a term of four years.

The Supreme Court is primarily a court of appellate jurisdiction, having power to hear appeals from case disposition by the circuit court, and a limited power to render advisory opinions to the Governor, at his request, on issues involving the exercise of executive power.

The original jurisdiction of the Supreme Court extends to cases "in which the interest of the state" is "direct and proximate, affecting the state at large..." The jurisdiction also includes power to issue original and remedial writs for situations in which the "interests of the state are in some way directly involved."

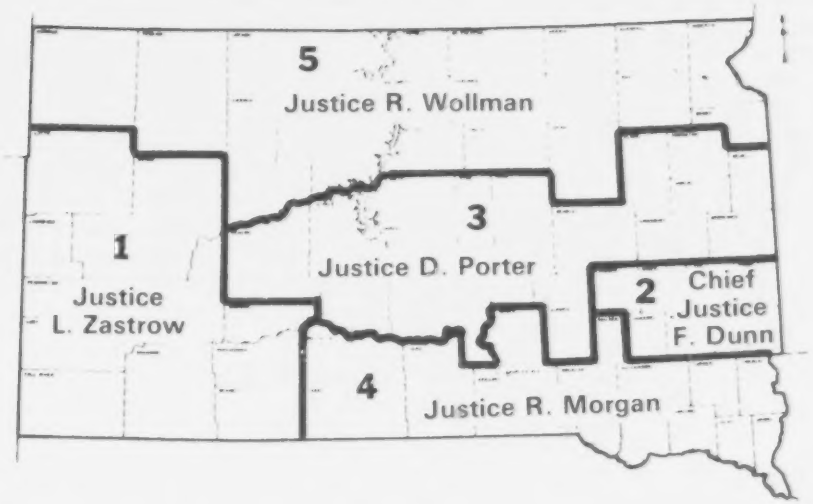
The term of court for the Supreme Court coincides with the full calendar year. The sessions are held in the state capitol or in such cities as the Supreme Court may specify by court order.

The rule-making power of the Supreme Court includes control of lower court practice and procedure, terms of court, the number of circuit court judges, boundaries of circuits, admission to the bar, discipline of members of the bar, and general administrative supervision of the Unified Judicial System. A body of rules, called the **Code of Professional Responsibility**, has been adopted by the Supreme Court. This Code sets standards for lawyers' conduct. The Court has also adopted rules of disciplinary enforcement that provide for disciplinary proceedings if a lawyer acts improperly.

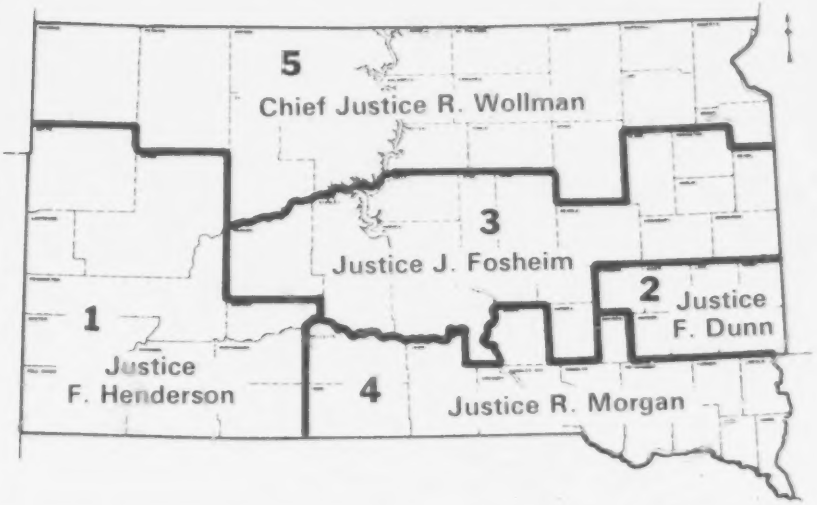
With the assistance of the Judicial Qualifications Commission, the Court also exercises disciplinary control over judges and justices. In addition the Court may appoint, at

SUPREME COURT ELECTORAL DISTRICTS AND JUSTICES

1978:



1979:



its pleasure, such personnel as required to serve the needs of the state judiciary.

The Court's administrative responsibility for the system is exercised primarily through the statutory power of the Chief Justice (SDCL 16-2-20) to supervise the circuit courts. Through this statutory specification, the Chief Justice is given extensive authority to take any necessary action to ensure the efficiency of the judiciary process throughout the system. He is assisted in this function by the administrative components described in the material covering judicial administration.

The Circuit Courts

The circuit courts are the trial courts of general jurisdiction. The circuit court judges, who are required to be licensed to practice law in the state, have original jurisdiction in all cases and proceedings, and they may hear appeals from the decisions of the magistrates' courts. The circuit judges are elected at large from within their district for a term of eight years. The thirty-six judges from the eight circuits and the law-trained magistrates for fiscal years 1978 and 1979 are listed on the following pages. A map showing circuit boundaries is presented on page 30.

1978
CIRCUIT JUDGE BY CIRCUIT

(* indicates presiding judge)

1st Circuit
Erickson, Donald E.
*Hertz, Ernest W.
Kern, Paul J.
Ulrich, Robert C.

2nd Circuit
Braithwaite, Richard
Christensen, Wayne W.
Heuermann, William H.
Patterson, Robert J.
*Wilds, John L.

3rd Circuit
Cheever, Lyle E.
Evans, Vernon C.
*Fosheim, Jon
Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Thomas G.

4th Circuit
Anderst, Thomas L.
McMurchie, Boyd L.
Tice, Merton B. Sr.
*Wuest, George W.

5th Circuit
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo
Ramynke, Mildred D.

6th Circuit
Heck, Donald L.
Jones, John B.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

7th Circuit
*Bottum, J.H.
Henderson, Frank E.
Parker, F. Thomas
Tice, Merton B. Jr.
Young, Marshall P.

8th Circuit
Brandenburg, Roy E.
*Hersrud, Leslie R.
Moses, Scott C.

1978
LAW MAGISTRATE BY CIRCUIT

(* indicates full time)

1st Circuit
*Cody, Mary Dell
Connelly, Riley
Jacobson, Edward A.

2nd Circuit
*Keller, Marvin D.
Lacey, Patrick H.

3rd Circuit
Aho, Ronald
Gitchell, Merle T.
Manson, Kevin
Russell, R. M.

4th Circuit
Jones, Rolland
Matheson, William

5th Circuit
Bowen, William A.
*Lovrien, Larry
Moeckly, Kent A.
O'Keefe, Robert G.
Rice, George

6th Circuit
*Anderson, James W.

7th Circuit
*Carrell, Charles G.
Davis, Jeff

8th Circuit
*Johns, Timothy R.
Severns, William L.
Shevlin, Glenn W.

1979
CIRCUIT JUDGE BY CIRCUIT

(* indicates presiding judge)

1st Circuit
Erickson, Donald E.
*Hertz, Ernest W.
Kern, Paul J.
Ulrich, Robert C.

2nd Circuit
Braithwaite, Richard
Christensen, Wayne W.
Heuermann, William H.
Patterson, Robert J.
*Wilds, John L.

3rd Circuit
Bradshaw, Dale
Evans, Vernon C.
Martin, Eugene
Hoyt, Irvin N.
*Mydland, Gordon J.
Ries, Thomas G.

4th Circuit
Anderst, Thomas L.
Gerken, Marshall
McMurchie, Boyd L.
Tice, Merton B. Sr. (retired)
*Wuest, George W.

5th Circuit
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo
Ramynke, Mildred D.

6th Circuit
Heck, Donald L.
Jones, John B.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

7th Circuit
Davis, Jeff
Grosshans, Roland
Parker, F. Thomas
Tice, Merton B. Jr.
*Young, Marshall P.

8th Circuit
Brandenburg, Roy E.
*Hersrud, Leslie R.
Moses, Scott C.

1979
LAW MAGISTRATE BY CIRCUIT

(* indicates full time)

1st Circuit
*Cody, Mary Dell
Connelly, Riley
Jacobson, Edward A.

2nd Circuit
*Keller, Marvin D.
*Lieberman, Peter

3rd Circuit

4th Circuit
Jones, Rolland
Matheson, William

5th Circuit
Bowen, William A.
*Lovrien, Larry
Moeckly, Kent A.
O'Keefe, Robert G.
Rice, George

6th Circuit
*Anderson, James W.

7th Circuit
*Carrell, Charles G.
Klauck, Jack

8th Circuit
*Johns, Timothy R.
Severns, William L.
Shevlin, Glenn W.

Direct supervisory control over the circuit court process and personnel is exercised by the presiding judge of the circuit, who is appointed to this special administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The extensive authority of the presiding judge includes the following:

1) Arranging schedules and assigning circuit judges for sessions of circuit courts, and supervising the calendar for trial or hearing.
2) Appointing clerks, deputies and other personnel within the circuit, and establishing their rate of compensation.
3) Arranging for the proper drawing of jury panels and for the reporting of cases.
4) Periodically reviewing and evaluating personnel in the circuit.
5) Arranging for the availability of circuit judges in each county according to statute (SDCL 16-2-21).

In addition to the concurrent civil and criminal jurisdiction over minor court actions shared with the courts of limited jurisdiction, discussed below, circuit court jurisdiction includes trial and disposition of all felony cases. The exclusive original civil jurisdiction of circuit courts includes cases involving 1)dispute of title or boundary of real property, 2)divorce or annulment of marriage, 3)probate, guardianship, and settlement of estates of deceased, 4)juvenile proceedings, and 5)civil disputes involving amounts exceeding $2,000.00. As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrates' courts.

Magistrate Courts

Magistrate Courts in South Dakota are created by statute (SDCL 16-12A-2) to assist the circuit courts in handling the caseload. The jurisdiction of these magistrates' courts varies depending on whether there is a lay magistrate or a law-trained magistrate presiding. The law-trained magistrate is required to be licensed to practice law in the state and is appointed by the presiding judge to a four-year term upon approval by the Supreme Court.

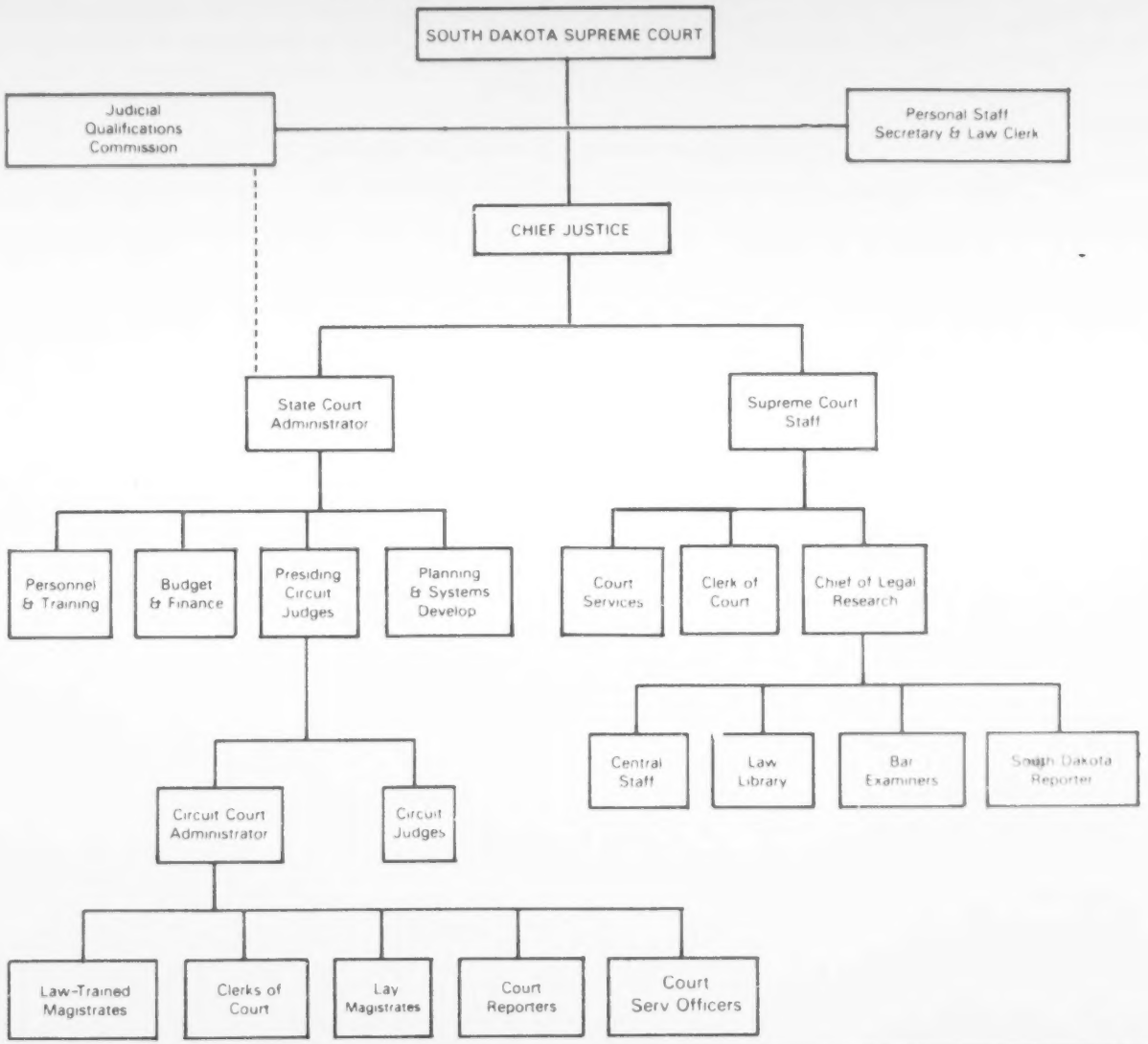
In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the court may conduct trials of charges of criminal misdemeanor, civil actions involving amounts less than $2,000.00, and small claims actions.

The lay magistrate, who is appointed by the presiding judge to serve an indeterminate period, must have a high-school education. Before taking office, the lay magistrate is required to attend the biennial magistrates' institute. This institute is established by the State Court Administrator to assist the new magistrate to learn the duties and functions of the office.

The lay magistrate may perform marriages, accept guilty pleas and impose fines in minor criminal cases, set bond in criminal cases and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge). The lay magistrate's court also has the power to administer oaths and take depositions, issue warrants for arrest or search, and conduct trials in uncontested civil disputes involving amounts less than $1,000.00. There are 87 lay magistrates in the state, of whom 61 are also county clerks of court.

We will not substitute speed for substance . . .
Chief Justice
Roger L. Wollman

UNIFIED JUDICIAL SYSTEM
Table of Administrative Organization



ADMINISTRATIVE AND SUPPORT FUNCTIONS OF THE UNIFIED JUDICIAL SYSTEM

Judicial Conference

One of the primary sources of administrative direction for the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, specified by statute (SDCL 16-14) and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give the bench personnel the opportunity to study the organization, roles, practices, and procedures of the judicial system and make recommendations to the Supreme Court for appropriate change.

Presiding Judges Meeting

In addition to the Judicial Conference, another device by which judges are able to involve themselves in administrative policy and procedure matters is through the monthly meeting of the presiding judges. This meeting usually includes the eight presiding judges in conference with the Chief Justice and the State Court Administrator. The agenda encompasses a wide range of subjects involving practices, problems and current issues relating to the operation of the courts. Using this device, the presiding judges are able to coordinate their administrative activities and keep themselves aware of the latest developments in the court system, thus promoting administrative efficiency among themselves and the judges in their respective circuits. These monthly conferences also afford the executive and legislative branches of state government an opportunity to meet with the leadership of the judiciary. Through this process governmental programs and procedures of mutual concern are developed on a more cooperative basis.

Judicial Qualifications Commission

This commission, created by Article V, Section 9 of the South Dakota Constitution and supporting statute (SDCL 16-1A), comprises seven members: 2 citizens who are not members of the state bar, appointed by the governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 members of the bar practicing law in the state, appointed by the president of the state bar association. Each member is limited to one four-year term.

This commission is organized to assist the Supreme Court in disciplinary actions against members of the judiciary. It is empowered to receive complaints regarding any justice or judge, to hire investigators and other personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. On recommendation from this Commission and after appropriate hearing, the Supreme Court may censure, remove, or retire a justice for cause as specified in the Constitutional article.

Under a Governor's Executive Order the Judicial Qualifications Commission also reviews applicants for vacancies on the Supreme Court and circuit court bench and nominates the most qualified to the Governor who in turn appoints a person to fill the vacancy.

Judicial Qualifications Commission Actions:

	FY 1978	FY 1979
Complaints Received	18	20
Investigations	3	4
Hearings	2	2

Judicial Staff — State

Law Clerk

Recent law school graduates of high academic standing are selected for one-year appointments as law clerks to assist the Supreme Court Justices in the extensive writing and research duties required in the preparation of their formal opinions. Each justice usually is assigned at least one law clerk.

The Clerk of the Supreme Court

The Clerk assists the Chief Justice in the judicial functions of the Court by monitoring the progress of all appeals and original proceedings until such time as they are ready for the Court, scheduling oral arguments before the Court, recording court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of all records of the Court, the compilation of the appellate statistics, and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed to this position performs several vital functions for the Court, including the following:

1) As executive secretary of the bar examiners, assists the examiners in developing, administering, and correcting the examinations given to persons seeking admission to the bar.
2) As Supreme Court law librarian, is responsible for supervising and maintaining the Supreme Court Law Library.
3) As central staff attorney, prescreens appeals and drafts internal working memoranda, per curiam opinions, and orders for review by the Court.
4) As Supreme Court Reporter, is responsible for the publication of the official South Dakota Supreme Court Reports.

State Court Administrator's Office

Directly responsible to the Chief Justice, this office functions to provide administrative direction and managerial support services toward the organizational development, maintenance and evaluation of the Unified Judicial System. In addition to the management research and analysis functions, there are three major sub-divisions of the office, each operating within its own sphere of management activity.

The personnel and training division is responsible for the maintenance of the unified judicial system personnel rules and the administration of all aspects of personnel and training activities for judicial employees.

The budget and finance office is responsible for the development of the annual budget, the supervision of the unified accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. Primary control over the fiscal operation of the various components of the court system is also established in this office.

The division of planning and systems development, formerly research and development division, is responsible for the implementation and maintenance of the judicial management information system, the coordination of the Judicial Planning Committee, and the analysis of caseload and disposition data and related studies.

Director of Court Services

This office is responsible to the Chief Justice for the development and general coordination of all statewide activities directly related to juvenile and adult presentence investigations, and juvenile and adult probation services. The Director supervises the professional operations of the court service officers, whose functions are described in the following section.

Judicial Staff — Circuits

Circuit Court Administrator

Currently, only two circuits (2 & 7) are staffed with full-time circuit court administrators, whose function is to assist the presiding judge in the organization and administration of the circuit. In the remaining circuits, there is an administrative secretary who functions in a similar but somewhat more limited capacity.

Clerk of Courts

Every county in South Dakota is assigned a clerk of courts, although in a few counties the clerk is on a part-time basis. The duties of the clerk, and deputy clerks that may be assigned to assist in the office, are to organize the court calendar for the county, receive and record fines and fees for the courts, assist and inform the public on matters involving the schedule of the courts and proper procedures, and maintain the appropriate court records for the judicial reporting system. The clerk of court also usually functions as the lay magistrate for the county.

Court Services Officers

The primary duties of the court services officers include 1) the conducting of preliminary investigations, 2) juvenile diversion program services, 3) juvenile prehearing social case study investigations, reports, and recommended treatment services, 4) juvenile probation and family treatment services, 5) adult presentence investigations, and 6) adult probation treatment services as ordered by the courts. Each judicial circuit has a chief court services officer, who provides administrative channels of communication for the court services programs in the circuit. These officers meet with the director of court services on a bimonthly basis in order to review the court services programs and procedures and to promote uniform development and restructuring of programs.

Court Reporters

Each circuit judge is assigned a full-time court reporter, whose duty it is to keep detailed records of those courtroom activities which require verbatim transcripts, to make those transcripts available, and to assist the court in any related needs. The court reporter generally functions as a secretarial aid to the judge.

JUDICIAL SYSTEM STATISTICS

SUPREME COURT STATISTICS

By Calendar Year

Year	Filings	Appeals	Intermediate Appeals	Original Proceedings	Opinions
1971	162	144	10	8	61 disposing of 65 cases
1972	166	126	13	27	87 disposing of 99 cases
1973	160	124	13	23	85 disposing of 105 cases
1974	203	172	16	15	85 disposing of 89 cases
1975	218	183	15	20	111 disposing of 122 cases
1976	297	259	24	14	131 disposing of 152 cases
1977	265	249	16	13	99 disposing of 130 cases
1978	279	229	23	26	202 disposing of 244 cases

Supreme Court Data

The "principal function" of the Supreme Court, as discerned and enunciated by Chief Justice Wollman, is "that of engaging in the contemplative thought, the rigorous intellectual analysis, and the careful draftsmanship that result in a coherent, consistent body of law..."

This primary function is expressed in South Dakota, as in other states' courts of last resort, in dealing with complex questions of the law raised in lower court trials and brought to the High Court on appeal. In South Dakota, partly because there is no intermediate court of appeals to assist in the appellate process, and partly because the state permits broad rights of appeal, the Supreme Court has a relatively heavy workload. In addition to the appellate cases, numerous other duties add to the administrative responsibilities of the High Court. Supervision of the state court system alone is a formidable chore. Other duties include participation in committee work studying changes and improvements in the legal system, the supervision of the state's integrated bar association, and the occasional needs to perform re-election campaign duties.

The accepted practice in the South Dakota Supreme Court, as in most state supreme courts, requires full participation and independent research by each justice in each opinion. This collegial practice constitutes a limitation on the total number of opinions that the Court can render each year. As litigation increases, and appeals proportionately increase, the only immediate method of assistance available to the justices on the High Court is that of research support in the form of law clerks and a research staff. Other possible solutions under consideration include an increase in the number of justices to seven (in accordance with Article V, Section 2 of the State Constitution), and the introduction of some division of appellate cases.

The Supreme Court has authorized a diploma privilege, whereby graduates of the University Law School have automatic access

to membership in the integrated bar of the state. Because of this, there are relatively few bar examinations administered in the state. The data reflecting new bar membership has been consistent during the past three years.

Supreme Court Caseload Data

Fiscal Years 1978 and 1979

	FY 1978	FY 1979
Filings	257	318
Appeals	228	249
Intermediate Appeals	17	37
Original Proceedings	9	28
Reinstated Filings	6	1
Miscellaneous Filings	3	4
Dispositions	269	327
Opinions/Cases	135/170	204/233
Orders of Dismissal/Cases	79/81	45/47
Orders of Denial/Cases	14/14	42/42
Miscellaneous/Cases	4/4	4/4
Status of Cases at End of FY	284	276
Submitted and Pending	128	76
Ready for Argument/Submission	34	37
Not Ready for Calendar	122	163

New Bar Membership

Certification by	FY 1978	FY 1979
Diploma	62	62
Other	24	21
Total	86	83

Data on the number of licensed attorneys who remove themselves from active legal practice, either through retirement or an increase in other interests is, of course, very difficult to determine with precision. The total number of attorneys in the state seems to increase, but it is difficult to draw accurate conclusions without more thorough study into attorney employment patterns in the state. The table below shows numbers of attorneys certified to practice in South Dakota.

Calendar Year	Residence in state	Residence out of state
1977	995	129
1978	1030	144

THE STAFFING OF THE JUDICIAL CIRCUITS
FISCAL YEAR 1977

CIRCUIT	Circuit Judge	Law-Trained Mag.	Lay Mag.	Court Reporter	Law Clerk	Court Administrator	Administrative Secretary	Court Services Officer	Secretary	Clerk of Court	Deputy Clerk	Total
1st Circuit	4.0	2.0	1.8	5.0			1.0	6.0	1.0	9.0	11.5	41.3
2nd Circuit	5.0	1.5	.5	6.0	2.0	1.0		9.0	6.5	1.0	17.0	49.5
3rd Circuit	6.0	2.0		6.0			1.0	7.0	4.0	11.0	12.0	49.0
4th Circuit	4.0	1.0	.7	4.0			1.0	5.0	1.5	11.0	6.5	34.7
5th Circuit	4.0	2.5	.1	6.0	1.0	1.0		5.0	2.0	8.0	9.0	38.6
6th Circuit	5.0	.5	4.3	5.0	1.0	1.0		3.5	1.0	13.0	3.0	37.3
7th Circuit	5.0	1.5	1.7	6.0	1.0	1.0		8.0	5.0	3.0	15.5	47.7
8th Circuit	3.0	2.0	1.1	4.0			1.0	3.0	1.0	8.0	3.5	26.6
Total	36.0	13.0	10.2	42.0	5.0	4.0	4.0	46.5	22.0	64.0	78.0	324.7

THE STAFFING OF THE JUDICIAL CIRCUITS
FISCAL YEAR 1978

CIRCUIT	Circuit Judge	Law-Trained Mag.	Lay Mag.	Court Reporter	Law Clerk	Court Administrator	Administrative Secretary	Court Services Officer	Secretary	Clerk of Court	Deputy Clerk	Bailiff	Total
1st Circuit	4.0	2.0	1.0	4.0			1.0	7.0	1.0	9.0	12.0	.5	41.5
2nd Circuit	5.0	1.5	.7	8.0	2.0	1.0		10.0	6.0	2.0	16.0	2.9	53.1
3rd Circuit	[illegible]	2.0		6.0		1.0		8.0	3.0	11.0	13.9	.5	51.1
4th Circuit	[illegible]	1.0	.4	4.0			1.0	6.0	1.5	10.9	8.1	.7	37.1
5th Circuit	4.0	2.1	.1	6.0	1.0		1.0	6.0	2.0	8.0	10.9	.6	41.7
6th Circuit	5.0	.5	2.1	5.0	1.0		1.0	5.5	1.0	12.5	5.5	.7	39.8
7th Circuit	5.0	1.5	1.3	6.0	1.0	1.0		9.0	5.5	4.0	15.0	1.7	51.0
8th Circuit	3.0	2.0	.9	4.0			1.0	4.0	1.0	7.5	5.8	.6	29.8
Total	36.0	12.6	6.5	41.0	5.0	3.0	5.0	55.5	21.0	64.4	87.2	8.2	345.4

THE STAFFING OF THE JUDICIAL CIRCUITS
FISCAL YEAR 1979

CIRCUIT	Circuit Judge	Law-Trained Mag.	Lay Mag.	Court Reporter	Law Clerk	Court Administrator	Administrative Secretary	Court Services Officer	Secretary	Clerk of Court	Deputy Clerk	Bailiff	Total
1st Circuit	4.0	2.0	1.0	4.0			1.0	8.0	2.0	9.0	12.0	.5	43.5
2nd Circuit	5.0	2.0	.7	7.0	2.0	1.0		11.0	6.0	2.0	17.0	2.9	56.6
3rd Circuit	6.0			6.0			1.0	8.0	3.0	11.0	14.4	.5	49.9
4th Circuit	4.0	1.0	.4	4.0			1.0	6.0	1.5	10.4	8.1	.7	37.1
5th Circuit	4.0	2.1	.1	5.0	1.0		1.0	7.0	3.0	8.0	10.7	.6	42.7
6th Circuit	5.0	1.0	2.1	5.0	1.0		1.0	6.5	1.0	12.5	5.5	.7	41.3
7th Circuit	5.0	1.6	1.3	6.0	1.0	1.0		10.0	4.5	4.0	16.0	1.7	52.1
8th Circuit	3.0	2.0	.9	4.0			1.0	5.0	1.0	7.5	5.8	1.6	31.8
Total	36.0	11.7	6.5	41.0	5.0	2.0	6.0	61.5	22.0	64.4	89.7	9.2	355.0

Staffing Changes

Changes in staffing patterns may be indicators of other activities in the system. The numbers in this chart data indicate full-time employment equivalent (2080 hours of employment = one full-time position) in various staff categories in the court system.

In observing the staffing pattern for fiscal year 1978 as compared with that of fiscal year 1979, the following changes are noteworthy.

1) There is an increase of .5 law-trained magistrates in the second judicial circuit, and a corollary increase in one court reporter, and deputy clerk of court, all of which reflect the effort to accommodate the heavy caseload in that circuit, which includes the population center of Sioux Falls.

   There is also a reduction in law-trained magistrates in the third circuit, a result of the staffing change effected during 1978.

2) There has been a substantial reduction in lay magistrate staffing, as these functions are now being performed by the clerks of court.

3) The increase in court services officers in each of the judicial circuits is a response to the increased responsibilities assigned to the court services program with the transfer of youth services and additional adult probation workload from the department of social services.

Judicial Information System

The circuit caseload data presented on the following pages is the product of the reporting and filing system through which the circuit courts transmit case data to the State Court Administrator's Office. The civil case reports

are prepared and filed manually and compiled on a monthly basis; the criminal data is received on a transaction basis and processed through automated equipment.

Caseload data presented in detail is categorized by circuit and by county, separating major types of cases. In the non-criminal actions, small claims cases in the state are limited to amounts less than $1,000.00. These are tried under special procedures in which the rules of evidence are somewhat relaxed, no transcripts are kept, and the court atmosphere is informal. Attorneys are permitted to participate in small claims trials. Juvenile actions are always classified as civil (non-criminal) cases irrespective of the actual nature of the referral.

Criminal Data

In South Dakota, criminal violations are classified into three general categories: Petty offenses, which are technically non-criminal cases; misdemeanor, of which there are two classes, and felony, of which there are seven classes. Class one misdemeanor has a maximum punishment of one year in the county jail and a $1,000.00 fine, and class two misdemeanor has a maximum penalty of thirty days and $100.00. For the Class A felony, the mandatory penalty is life imprisonment or death. The remaining six classes are numbered and are graduated in severity of punishment from class one, which allows a maximum punishment of life imprisonment and a $25,000.00 fine, through class six, which allows a maximum of two years in state prison and a $2,000.00 fine. Examples of some specific charges in the various categories are as follows:

Felony:	Class A	- murder
	Class 1	- treason, kidnap
	Class 2	- burglary first degree, rape
	Class 3	- burglary second degree, perjury in a felony trial
	Class 4	- riot, aggravated assault
	Class 5	- forgery, promotion of prostitution
	Class 6	- falsifying evidence
Misdemeanor:		
	Class 1	- reckless driving, simple assault, driving while intoxicated
	Class 2	- disorderly conduct, prostitution, gambling
Petty Offense		- vehicle equipment violation

... Our judicial information system... assists the presiding judges to identify those areas in which additional resources are necessary, and... those areas in which economies of operation may very well be effected...

Chief Justice Roger L. Wollman

CIRCUIT CASELOAD STATISTICS
FY 1978 CIVIL DISPOSITIONS

	CIVIL CASES					SMALL CLAIMS		MISCELLANEOUS				
	Divorce		Other Civil						Probate			
				Contested								Mental
1st Circuit	Default	Contested	Default	Court	Jury	Default	Contested	Juvenile	Filed	Disposed	Adoption	Health
Bon Homme	13	2	16	0	0	98	18	7	82	62	4	6
Charles Mix	24	19	52	10	2	255	19	21	78	57	5	19
Clay	39	10	36	7	1	327	27	14	75	54	6	4
Douglas	1	0	13	0	0	25	1	8	30	18	1	0
Hutchinson	5	1	13	3	0	66	8	2	99	62	3	0
Lincoln	38	3	28	2	1	94	18	21	96	56	8	2
Turner	8	3	25	3	2	54	14	14	99	75	3	10
Union	29	4	55	21	3	68	36	9	103	75	8	0
Yankton	66	23	44	21	9	163	33	68	104	86	12	156
1st Circuit Total	223	65	282	67	18	1150	174	164	766	545	50	197
2nd Circuit												
Minnehaha	473	59	1281	204	38	507	373	422	474	314	94	106
3rd Circuit												
Beadle	55	1	86	7	3	306	71	19	127	78	12	5
Brookings	69	7	98	18	2	424	115	55	145	139	20	7
Clark	7	1	22	2	3	70	6	3	48	39	2	1
Codington	82	3	78	10	3	299	64	55	177	123	1	3
Deuel	9	1	25	0	0	42	8	21	58	42	1	0
Faulk	6	3	12	0	0	49	7	3	37	32	0	2
Grant	28	0	29	3	0	38	12	39	78	83	11	2
Hamlin	3	2	13	2	0	46	10	21	63	69	9	0
Hand	5	2	9	1	0	55	8	11	46	36	2	0
Kingsbury	5	3	16	4	0	29	3	14	98	65	2	1
Spink	25	0	57	1	3	30	8	15	87	73	1	0
3rd Circuit Total	294	23	445	48	14	1388	312	256	964	779	61	21
4th Circuit												
Aurora	0	1	9	1	0	23	7	1	33	24	4	1
Brule	15	1	28	5	2	94	12	6	39	46	4	1
Buffalo	10	1	7	0	0	4	0	9	3	1	1	0
Davison	47	4	115	17	2	258	52	27	119	110	11	7
Hanson	3	1	16	0	0	21	4	7	24	15	3	2
Jerauld	5	0	11	0	0	16	2	3	35	16	1	1
Lake	18	2	54	6	1	87	25	29	80	61	4	6
McCook	10	0	19	4	1	35	9	7	68	71	1	0
Miner	3	0	6	0	0	30	6	1	31	38	1	0
Moody	9	4	35	8	2	39	12	3	78	63	4	2
Sanborn	2	1	19	1	1	66	8	3	26	14	1	2
4th Circuit Total	122	15	319	42	9	673	137	96	536	459	35	22

CIRCUIT CASELOAD STATISTICS
FY 1978 CIVIL DISPOSITIONS

	CIVIL CASES					SMALL CLAIMS		MISCELLANEOUS				
	Divorce		Other Civil						Probate			
				Contested								Mental
5th Circuit	Default	Contested	Default	Court	Jury	Default	Contested	Juvenile	Filed	Disposed	Adoption	Health
Brown	138	18	507	21	4	256	121	129	207	144	25	1
Campbell	1	1	5	3	0	37	3	0	18	16	0	2
Day	8	12	30	9	1	203	19	20	72	56	0	19
Edmunds	5	3	13	0	1	56	8	3	48	24	2	1
Marshall	17	0	21	4	2	40	7	16	54	45	5	2
McPherson	6	1	21	6	0	39	7	0	35	36	0	1
Roberts	23	2	19	5	0	196	10	43	92	91	6	5
Walworth	19	3	34	2	1	54	7	29	59	32	10	4
5th Circuit Total	217	40	650	50	9	881	182	240	585	444	48	35
6th Circuit												
Bennett	8	0	16	1	0	45	6	13	18	22	1	2
Gregory	21	0	28	0	0	23	13	7	55	30	5	2
Haakon	10	1	5	4	1	48	7	7	27	24	3	1
Hughes	45	8	96	28	9	625	82	10	63	43	21	6
Hyde	0	1	9	3	0	19	4	0	15	17	1	0
Jackson/Washbaugh	5	0	5	0	3	16	8	0	22	18	2	0
Jones	5	0	7	0	0	8	3	3	11	11	0	0
Lyman	21	3	28	1	0	56	4	2	20	9	2	1
Mellette	5	0	5	6	1	9	11	0	13	15	1	0
Potter	10	2	14	1	0	38	7	0	31	31	1	3
Stanley	10	0	31	3	1	206	17	1	21	10	3	1
Sully	4	1	7	4	1	21	4	0	26	14	1	0
Tripp & Todd	58	15	25	9	7	89	11	23	70	39	22	3
6th Circuit Total	202	31	276	60	23	1203	177	66	392	283	63	19
7th Circuit												
Custer	23	3	20	3	2	57	25	11	36	35	4	3
Fall River & Shannon	52	2	34	4	2	54	8	8	78	43	8	15
Pennington	497	8	516	18	13	1424	182	129	230	230	112	23
7th Circuit Total	572	13	570	25	17	1535	215	148	344	308	124	41
8th Circuit												
Butte	35	4	32	3	0	136	18	8	64	51	11	1
Corson	6	4	14	0	0	24	4	0	33	25	7	1
Dewey	6	1	11	1	0	62	7	0	23	30	3	0
Harding	1	1	7	3	0	26	3	2	51	42	2	0
Lawrence	109	9	123	9	1	128	65	17	101	102	14	8
Meade	70	0	38	13	8	129	37	23	74	60	17	38
Perkins	7	1	11	0	0	52	4	16	61	48	1	6
Ziebach	1	0	4	0	0	17	4	0	18	9	1	1
8th Circuit Total	235	20	240	29	9	574	142	66	425	367	56	55
STATE TOTAL	2338	266	4063	525	137	7911	1712	1458	4486	3499	531	496

CIRCUIT CASELOAD STATISTICS
FY 1978 CRIMINAL ACTIONS

	MISDEMEANOR CASES					FELONY CASES			
	Class 2 & Petty	Class 1							
		Prelim	Guilty Plea	Trial		Prelim	Guilty Plea /	Trial	
1st Circuit	Offence	Hearing	/Dismissed	Court	Jury	Hearing	Dismissed	Court	Jury
Bon Homme	371	3	70	0	0	7	9	0	0
Charles Mix	803	2	150	3	0	7	36	3	0
Clay	2576	11	124	2	1	3	23	5	2
Douglas	280	0	9	0	0	0	2	0	0
Hutchinson	427	8	46	1	2	2	1	0	2
Lincoln	1363	17	135	11	1	5	17	2	1
Turner	852	6	28	0	0	5	9	0	0
Union	1373	11	126	4	1	13	23	6	7
Yankton	1437	34	327	60	9	20	33	0	8
1st Circuit Total	9482	92	1015	81	14	62	153	16	20
2nd Circuit									
Minnehaha	26,137	268	909	84	29	121	505	6	24
3rd Circuit									
Beadle	2912	16	249	5	2	12	27	2	0
Brookings	2234	21	408	2	0	17	61	0	0
Clark	428	3	24	0	0	0	0	0	0
Codington	2733	27	271	7	3	17	60	5	5
Deuel	395	7	29	0	0	2	5	0	0
Faulk	343	3	29	0	0	0	0	0	0
Grant	775	11	89	0	2	2	8	0	0
Hamlin	323	3	31	2	0	0	0	0	0
Hand	228	0	23	0	0	0	3	0	0
Kingsbury	757	9	36	2	3	3	3	0	0
Spink	1586	4	89	0	2	0	12	0	0
3rd Circuit Total	12,714	104	1278	18	12	53	179	7	5
4th Circuit									
Aurora	475	0	24	3	0	3	12	2	0
Brule	1137	12	167	0	4	12	73	0	3
Buffalo	39	0	4	0	0	0	0	0	0
Davison	3613	12	382	12	7	8	74	4	8
Hanson	312	9	13	2	0	2	3	0	0
Jerauld	135	0	4	0	0	0	0	0	0
Lake	1018	9	196	0	2	3	29	2	0
McCook	1513	5	61	2	2	3	4	0	0
Miner	371	2	11	0	1	0	0	0	0
Moody	1121	4	67	2	0	2	5	0	0
Sanborn	260	1	15	0	0	1	1	0	0
4th Circuit Total	9994	54	944	21	16	34	201	8	11

CIRCUIT CASELOAD STATISTICS
FY 1978 CRIMINAL ACTIONS

	MISDEMEANOR CASES					FELONY CASES			
	Class 2 & Petty	Class 1							
		Prelim	Guilty Plea	Trial		Prelim	Guilty Plea/	Trial	
5th Circuit	Offence	Hearing	/Dismissed	Court	Jury	Hearing	Dismissed	Court	Jury
Brown	4790	67	370	8	4	19	86	0	0
Campbell	291	0	3	0	2	0	0	0	0
Day	662	4	86	3	1	3	8	4	0
Edmunds	385	0	18	0	0	0	3	0	0
Marshall	598	2	96	0	0	3	16	0	0
McPherson	193	3	3	0	0	2	2	0	0
Roberts	1336	9	220	2	2	12	51	0	0
Walworth	1026	2	120	0	0	2	19	0	0
5th Circuit Total	9281	87	916	13	9	41	185	4	0
6th Circuit									
Bennett	245	7	172	5	2	5	75	2	4
Gregory	456	2	16	0	2	2	4	0	2
Haakon	160	5	16	0	2	2	2	0	2
Hughes	2434	52	302	4	1	30	85	0	2
Hyde	149	2	18	0	0	2	0	0	0
Jackson/Washabaugh	868	12	61	0	0	5	7	0	4
Jones	523	0	29	0	0	0	2	0	0
Lyman	1270	8	84	1	2	8	18	0	3
Mellette	109	0	15	0	0	0	0	0	0
Potter	527	0	37	0	0	0	7	0	0
Stanley	1013	7	156	0	4	5	11	0	2
Sully	267	0	24	2	0	0	3	0	0
Tripp & Todd	1298	37	205	0	9	27	35	0	3
6th Circuit Total	9419	132	1135	12	22	86	249	2	22
7th Circuit									
Custer	549	37	206	23	3	7	48	0	1
Fall River & Shannon	543	19	190	7	0	19	33	3	2
Pennington	21,649	215	1180	37	17	145	247	11	15
7th Circuit Total	22,741	271	1576	67	20	171	328	14	18
8th Circuit									
Butte	1064	32	245	0	8	21	47	3	4
Corson	403	2	34	0	0	11	19	0	0
Dewey	140	1	21	0	1	0	3	0	0
Harding	216	0	11	0	0	1	3	0	0
Lawrence	1739	36	292	3	5	20	53	3	0
Meade	1204	7	276	5	2	17	31	3	3
Perkins	369	2	56	0	3	2	9	0	0
Ziebach	199	0	4	2	0	0	0	0	0
8th Circuit Total	5334	80	939	10	19	72	165	9	7
STATE TOTAL	105,102	1088	8712	306	141	640	1965	66	107

CIRCUIT CASELOAD STATISTICS
FY 1979 CIVIL FILINGS & DISPOSITIONS

	CIVIL CASES					DIVORCE			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	Filings		Dispositions				Dispositions			Dispositions						
				Trials												
1st Circuit	Admin	General	Default	Court	Jury	Filings	Default	Contested	Filings	Default	Contested	Probate	Adoption	Mental Illness	Guardianship	Juvenile Petitions
Bon Homme	3	37	14	9	1	15	5	8	133	107	28	65	4	2	4	18
Charles Mix	7	51	49	23	3	28	16	6	269	232	35	56	7	5	16	40
Clay	3	98	32	10	3	47	50	4	225	205	29	49	5	3	9	7
Douglas	1	12	8	0	1	5	4	0	28	30	0	32	3	0	4	13
Hutchinson	2	40	16	2	1	8	5	6	118	114	12	83	5	0	10	11
Lincoln	0	90	44	2	3	38	25	3	215	174	22	101	10	4	14	21
Turner	11	54	31	7	3	25	22	3	117	106	15	96	7	7	11	9
Union	8	95	53	42	6	58	31	15	138	121	24	71	9	0	20	2
Yankton	6	143	50	34	12	97	55	32	416	408	45	90	13	162	24	37
1st Circuit Total	41	620	297	129	33	321	213	77	1659	1497	210	643	63	183	112	158
2nd Circuit																
Minnehaha	19	2039	1336	61	40	635	466	45	2227	655	541	479	95	122	75	474
3rd Circuit																
Beadle	0	184	136	2	2	102	83	3	433	407	72	124	12	5	16	33
Brookings	0	227	109	18	3	91	66	4	175	727	103	97	17	6	19	47
Clark	1	29	16	2	1	5	3	0	55	44	9	41	4	3	4	4
Codington	3	362	195	4	0	77	57	9	435	145	87	140	13	11	36	47
Deuel	0	17	15	0	1	8	7	3	56	33	8	49	3	0	8	14
Faulk	2	13	8	0	1	6	4	1	69	56	1	29	3	3	1	2
Grant	2	61	28	1	0	20	24	0	105	102	8	84	3	1	9	27
Hamlin	0	17	10	4	0	11	3	6	85	63	9	64	6	0	4	11
Hand	0	34	20	6	0	8	7	1	69	51	8	36	4	1	4	6
Kingsbury	0	69	2	7	0	9	1	3	98	37	8	59	5	0	3	15
Spink	13	81	54	4	2	37	28	2	129	94	18	73	2	0	9	10
3rd Circuit Total	21	1094	593	48	10	374	283	32	1709	1759	331	796	72	30	113	216
4th Circuit																
Aurora	2	16	3	0	0	3	0	2	33	30	4	26	0	1	4	0
Brule	2	55	26	5	2	12	11	0	66	60	2	59	3	4	18	24
Buffalo	0	10	1	1	1	8	5	2	3	1	0	5	1	0	1	0
Davison	2	228	186	34	5	84	53	25	425	347	78	97	20	6	14	46
Hanson	0	17	13	2	1	1	1	0	14	7	1	23	0	0	1	3
Jerauld	2	16	8	1	1	10	5	1	59	51	1	15	4	2	1	12
Lake	6	67	34	12	0	40	22	6	226	118	10	70	5	7	4	32
McCook	0	46	22	3	0	13	11	5	96	81	14	69	3	0	3	10
Miner	0	22	10	1	0	14	7	5	58	41	4	34	4	0	12	2
Moody	2	77	41	48	10	29	27	16	128	79	11	60	5	3	8	11
Sanborn	2	19	11	5	0	7	2	1	46	42	4	25	2	0	4	3
4th Circuit Total	18	573	355	112	20	221	144	63	1154	857	129	483	47	23	70	143

CIRCUIT CASELOAD STATISTICS
FY 1979 CIVIL FILINGS & DISPOSITIONS

	CIVIL CASES					DIVORCE			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	Filings		Dispositions				Dispositions			Dispositions						
				Trials												
5th Circuit	Admin	General	Default	Court	Jury	Filings	Default	Contested	Filings	Default	Contested	Probate	Adoption	Mental Illness	Guardianship	Juvenile Petitions
Brown	5	673	498	94	7	165	112	62	831	577	117	154	32	11	40	103
Campbell	0	20	4	4	1	5	3	3	34	33	0	25	1	34	2	5
Day	12	50	25	4	2	13	0	8	209	66	36	94	4	6	7	17
Edmunds	0	25	21	1	1	7	7	0	46	42	1	41	2	0	1	3
Marshall	0	46	27	0	0	18	16	3	67	31	4	29	2	2	3	22
McPherson	1	36	25	6	0	5	3	9	27	12	5	55	1	0	19	1
Roberts	0	73	24	13	1	28	14	1	197	121	19	86	0	1	14	90
Walworth	1	80	43	6	1	27	9	4	138	124	17	47	4	3	10	68
5th Circuit Total	19	1003	667	128	13	268	164	90	1549	1006	199	531	46	57	96	309
6th Circuit																
Bennett	0	20	9	1	0	10	8	0	63	46	7	18	0	3	1	11
Gregory	0	47	18	1	1	12	10	0	81	68	11	48	2	6	6	14
Haakon	0	23	19	1	1	8	4	1	56	50	3	25	1	1	5	9
Hughes	26	270	94	26	13	75	43	7	770	581	89	56	25	10	10	39
Hyde	0	27	12	1	0	6	3	2	42	26	10	18	0	2	3	0
Jackson	2	20	16	1	0	4	2	1	16	13	3	18	0	2	1	1
Jones	0	16	8	1	0	7	5	1	30	27	12	14	1	0	2	5
Lyman	2	51	21	5	0	12	9	3	117	94	3	34	6	6	9	3
Mellette	0	19	11	3	0	9	7	0	14	13	1	13	1	0	1	6
Potter	0	28	17	3	0	10	7	0	58	35	11	20	2	3	6	1
Stanley	2	69	51	12	0	11	7	0	175	158	16	23	2	0	4	2
Sully	0	33	11	2	0	7	4	1	58	54	4	13	0	0	5	0
Tripp/Todd	2	128	39	4	6	74	61	0	192	151	13	64	15	3	9	21
6th Circuit Total	34	751	326	61	21	245	170	16	1672	1316	183	364	55	36	62	112
7th Circuit																
Custer	0	92	32	7	1	36	12	13	164	58	17	30	4	1	6	7
Fall R./Shannon	0	133	18	2	2	53	30	5	83	64	3	55	13	8	9	11
Pennington	22	1073	1030	151	17	657	524	54	102	65	28	252	175	101	40	201
R C	0	152	89	53	5	0	0	0	1409	917	320	0	0	8	0	
7th Circuit Total	22	1450	1169	213	25	746	566	72	1758	1104	368	337	192	118	55	219
8th Circuit																
Butte	2	109	39	1	2	44	37	0	196	183	11	45	10	1	10	10
Corson	0	34	23	8	0	11	6	3	189	185	12	25	4	2	5	4
Dewey	0	30	16	0	0	7	11	1	66	40	10	17	2	1	2	7
Harding	0	20	10	6	0	5	0	6	24	15	1	29	1	0	1	0
Lawrence	5	292	150	8	3	122	185	2	427	192	47	95	20	4	18	36
Meade	2	133	87	125	0	121	100	59	315	247	40	70	16	37	8	33
Perkins	2	40	26	10	10	3	4	3	50	27	15	44	3	2	3	9
Ziebach	0	6	0	0	0	2	2	0	19	14	1	12	0	0	2	0
8th Circuit Total	11	664	351	158	15	316	345	74	1286	903	137	337	56	47	49	1730
STATE TOTAL	185	8194	5094	910	177	3126	2351	469	13014	9097	1104	3970	626	616	632	1730

CIRCUIT CASELOAD STATISTICS
FY 1979 CRIMINAL ACTIONS

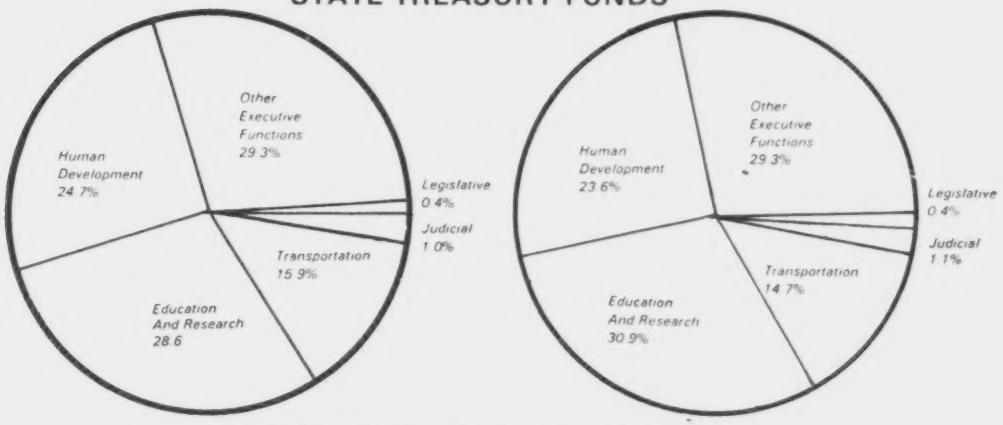
	MISDEMEANOR CASES					FELONY CASES			
	Class 2	Class 1							
		Prelim	Guilty Plea	Trial		Prelim	Guilty Plea/	Trial	
1st Circuit	Filings & Petty Offence	Hearing	/Dismissed	Court	Jury	Hearing	Dismissed	Court	Jury
Bon Homme	515	5	510	0	1	4	9	0	1
Charles Mix	1336	5	165	12	0	7	35	4	4
Clay	2372	18	73	1	5	10	29	0	2
Douglas	419	2	31	0	0	1	4	0	0
Hutchinson	658	5	39	1	2	4	5	1	1
Lincoln	1144	7	101	1	1	1	29	0	0
Turner	768	4	39	0	0	2	2	0	0
Union	1790	7	115	7	1	16	39	1	2
Yankton	2182	64	205	9	8	42	55	12	3
1st Circuit Total	11,184	117	1278	31	18	87	207	18	13
2nd Circuit									
Minnehaha	29,389	489	1848	292	28	206	386	12	17
3rd Circuit									
Beadle	3062	5	149	6	1	8	24	3	0
Brookings	2470	24	273	0	0	13	47	1	2
Clark	419	6	23	4	0	1	2	0	0
Codington	1814	34	467	0	3	19	38	0	1
Deuel	436	6	12	0	0	6	6	0	0
Faulk	379	2	20	0	1	1	6	0	0
Grant	828	6	66	4	1	0	19	0	0
Hamlin	387	3	33	0	0	0	3	0	0
Hand	599	0	28	0	0	0	3	0	0
Kingsbury	815	1	44	0	0	1	1	0	1
Spink	1267	4	53	1	1	6	15	0	3
3rd Circuit Total	12,476	91	1168	15	7	55	164	4	7
4th Circuit									
Aurora	813	1	12	1	0	0	2	0	0
Brule	1875	21	132	0	5	14	24	0	1
Buffalo	22	1	11	0	0	0	1	0	0
Davison	3828	20	315	4	5	17	62	1	1
Hanson	499	8	15	2	0	0	0	0	0
Jerauld	143	2	11	1	1	0	1	1	0
Lake	1292	9	193	1	0	11	27	0	3
McCook	1318	12	81	1	1	4	8	0	0
Miner	281	0	13	0	0	0	0	0	0
Moody	1248	8	38	69	0	0	4	0	0
Sanborn	306	3	12	1	0	2	2	2	0
4th Circuit Total	11,625	85	833	80	12	48	131	4	5

CIRCUIT CASELOAD STATISTICS
FY 1979 CRIMINAL ACTIONS

	MISDEMEANOR CASES					FELONY CASES			
	Class 2	Class 1							
		Prelim	Guilty Plea	Trial		Prelim	Guilty Plea/	Trial	
5th Circuit	Filings & Petty Offence	Hearing	/Dismissed	Court	Jury	Hearing	Dismissed	Court	Jury
Brown	6117	34	288	6	6	19	103	1	2
Campbell	301	13	4	7	0	0	6	1	0
Day	663	2	61	7	0	0	10	0	0
Edmunds	654	1	21	0	0	0	5	0	0
Marshall	619	3	75	1	0	3	10	0	0
McPherson	217	4	12	10	0	1	1	2	0
Roberts	1207	18	169	5	1	7	38	2	0
Walworth	1429	5	119	1	0	7	29	2	3
5th Circuit Total	11,207	80	749	37	7	37	202	8	5
6th Circuit									
Bennett	852	14	93	1	3	8	17	0	4
Gregory	579	1	5	0	0	0	1	0	0
Haakon	251	3	5	0	0	0	0	0	0
Hughes	2847	61	266	8	5	39	59	1	5
Hyde	224	1	20	0	1	2	6	0	1
Jackson/Washabaugh	1655	10	56	1	4	5	5	0	0
Jones	1500	2	51	1	1	4	4	0	1
Lyman	1327	1	54	0	1	0	8	0	0
Mellette	177	10	22	0	1	3	1	0	0
Potter	755	1	38	0	0	0	1	0	0
Stanley	761	13	95	2	2	9	14	1	2
Sully	434	2	15	1	0	0	0	0	0
Tripp & Todd	1320	27	103	0	6	15	37	1	3
6th Circuit Total	12,682	146	823	14	24	85	153	3	16
7th Circuit									
Custer	1031	12	94	19	1	11	19	6	3
Fall River & Shannon	1463	16	181	0	2	12	47	1	4
Pennington	1073	39	36	0	6	142	142	0	19
R.C.	17,777	231	1141	36	21	33	133	0	0
7th Circuit Total	21,344	298	1452	55	30	198	341	7	26
8th Circuit									
Butte	1757	37	156	1	7	30	39	0	9
Corson	253	5	21	0	0	6	4	0	2
Dewey	132	1	11	0	0	1	2	0	0
Harding	402	2	7	0	1	2	3	1	1
Lawrence	2558	41	300	0	5	16	39	0	1
Meade	1342	23	128	3	0	14	55	0	1
Perkins	853	2	28	0	1	1	9	0	0
Ziebach	243	1	5	0	1	0	1	0	0
8th Circuit Total	7540	112	656	4	15	70	152	1	14
STATE TOTAL	**117,447**	**1418**	**8807**	**528**	**141**	**786**	**1736**	**57**	**103**

FINANCING THE COURTS

COMPARISON OF EXPENDITURES
STATE TREASURY FUNDS



DOLLARS IN MILLIONS AND PERCENT

	1978		1979	
LEGISLATIVE	$ 2.4	0.4%	$ 3.1	0.4%
JUDICIAL	$ 7.2	1.1%	$ 8.5	1.1%
EXECUTIVE FUNCTIONS:				
EDUCATION AND RESEARCH	$184.8	28.6%	$229.6	30.9%
HUMAN DEVELOPMENT	$158.8	24.7%	$176.7	23.6%
TRANSPORTATION	$102.2	15.9%	$109.4	14.7%
OTHER EXECUTIVE FUNCTIONS	$188.5	29.3%	$217.4	29.3%
TOTALS:	**$643.4**	**100.0%**	**$744.7**	**100.0%**

Appropriations

The Unified Judicial System is funded from state appropriations and federal grants received by the State Court Administrator's Office. The chart abbove depicts a comparison of expenditures among the three branches of state government by percent of state budget:

Article V of the Constitution allows the legislature to require reimbursement from the counties and municipalities for the Unified Judicial System.

The legislature requires the counties to reimburse the state's general fund a percentage of the total expenditure for the operation of the Unified Judicial System for the previous fiscal year. In September following each fiscal year, the State Court Administrator's Office certifies to each county its share of the adjusted total general expenditure based upon a pro rata share of population in all organized and unorganized counties.

In fiscal year 1978 and thereafter, the counties are to reimburse twenty-five percent.

In 1975 the legislature provided for remission to the state general fund a percentage of all fines, penalties, and forfeitures collected by the circuit courts for violations of **municipal** ordinances and bylaws. In fiscal year 1975 twenty-five percent, in fiscal year 1976 thirty percent, and in fiscal year 1977 and thereafter thirty-five percent of the total was and is to be remitted.

In addition to county and municipal reimbursements, the counties and municipalities pay witness fees, jury fees, costs of counsel for indigent defendants, and transcript fees. They also provide the facilities for all judicial employees located within their county or municipality. Many counties maintain a county law library, which is partially funded by a law library fee collected on each civil filing in the circuit court.

Receipts and Disbursements

On July 1, 1976, a new accounting and reporting procedure was implemented throughout the state for the offices of the clerks of courts and the lay magistrates. Prior to that date fund receipts and disbursements made by the clerks of courts and lay magistrates are not available for comparison. The following tables are a listing of the types of receipts received by the clerks of court and the lay magistrates:

CLERK OF COURT RECEIPTS: FY 1978

	first circuit	second circuit	third circuit	fourth circuit	fifth circuit	sixth circuit	seventh circuit	eighth circuit	state totals
City Fines	$ 97,495	$ 566,689	$ 116,694	$ 57,417	$ 85,332	$ 59,643	$ 181,129	$ 60,542	$1,224,941
City Costs Recovered	—	7,248	1,064	15	154	50	406	222	9,159
City Forfeitures	796	4,433	8,205	2,263	1,218	27	2,301	175	19,418
State Fines	298,915	333,194	360,368	263,108	248,576	315,548	313,336	190,934	2,323,979
State Costs Recovered	3,398	23,639	13,624	8,698	6,230	10,976	23,314	20,592	110,471
State Forfeitures	8,650	7,433	9,566	2,057	7,984	3,047	6,995	3,750	49,482
Small Claims	6,687	9,574	8,642	4,279	16,100	8,422	7,351	4,591	65,646
Filing Fee	47,210	61,935	55,580	33,901	44,255	35,628	43,112	33,006	354,627
Law Library Fees	6,794	10,565	8,333	4,523	7,106	5,740	7,629	5,147	55,837
Reciprocal Payment	110,919	319,137	666,454	197,739	373,187	275,557	705,512	221,121	2,869,626
Trust Fund/Cash Bond	239,738	143,131	265,703	293,500	178,784	183,486	237,001	221,690	1,763,033
Court Apptd. Attorney Fee	185	25	4,147	3,763	1,023	4,184	392	3,096	16,842
Postage (Small Claims)	1,339	1,890	2,130	816	1,731	1,598	1,363	998	11,865
Law Officer Training Fund	21,865	54,240	30,227	21,522	19,145	20,228	29,111	13,717	210,055
Petty Offense	2,116	2,958	3,977	2,834	3,559	2,630	5,051	1,207	24,332
Restitution									
Others	12,687	28	18,214	12,089	6,598	26,466	7,100	5,216	88,398
Total Receipts	$858,794	$1,546,119	$1,572,955	$908,524	$1,000,982	$953,230	$1,571,103	$786,004	$9,197,911

CLERK OF COURT RECEIPTS: FY 1979

	first circuit	second circuit	third circuit	fourth circuit	fifth circuit	sixth circuit	seventh circuit	eighth circuit	state totals
City Fines	$ 90,649	$ 550,118	$ 138,065	$ 64,506	$ 122,393	$ 62,439	$ 257,569	$ 91,612	$ 1,377,402
City Costs Recovered	—	5,520	1,009	12	338	66	483	353	7,780
City Forfeitures	747	4,743	4,959	1,402	591	95	2,287	808	15,632
State Fines	374,204	408,295	430,814	381,953	291,044	399,684	393,702	291,017	2,970,713
State Costs Recovered	3,377	34,503	9,160	11,597	9,461	12,118	20,777	19,297	120,290
State Forfeitures	4,040	8,414	4,779	3,999	3,883	5,925	10,747	2,928	44,716
Small Claims	8,450	13,057	10,252	5,426	7,733	9,421	8,860	5,784	68,983
Filing Fee	48,684	66,410	61,635	37,783	47,179	37,163	47,417	36,415	382,687
Law Library Fees	6,676	11,150	9,316	5,372	7,340	5,704	8,703	5,638	59,899
Reciprocal Payment	143,302	407,983	820,016	294,782	475,550	345,928	757,745	282,838	3,528,144
Trust Fund/Cash Bond	140,578	150,589	211,359	178,791	161,960	203,400	193,293	388,664	1,628,633
Court Apptd. Attorney Fee	306	115	6,037	2,531	4,150	4,772	2,322	1,625	21,857
Postage (Small Claims)	2,644	3,223	3,649	1,424	2,718	2,552	3,001	2,071	21,283
Law Officer Training Fund	27,564	62,204	37,079	28,974	25,052	29,003	45,005	22,413	277,293
Petty Offense	111	20	184	94	401	100	2,073	170	3,153
Restitution	34,833	17,789	25,639	43,823	20,832	19,944	39,179	13,401	215,441
Others	10,450	12	1,698	2,816	1,842	7,195	16,661	1,002	41,675
Total Receipts	$896,615	$1,744,145	$1,775,650	$1,065,285	$1,182,467	$1,145,559	$1,809,824	$1,166,036	$10,785,581

Definitions

City Fines — Fines collected on violations of city ordinances. A percentage of these fines is remitted to the state general fund for reimbursement of the court system. The remainder stays with the municipality.

City Costs Recovered — Costs incurred by a city in the handling of cases. The money is retained by the city.

City Forfeitures — Forfeitures of bonds on city cases. A percentage goes to the state general fund while the remainder stays with the city.

State Fines — Fines on violations of state laws. The money is sent to the state department of school and public lands and is prorated and returned to the school districts within the county from which the money came.

State Costs Recovered — Costs of the county in handling cases such as blood tests on DWI. The money is retained by the county.

State Forfeitures — Bonds forfeited in violation of state laws. This money, formerly remitted to the state general fund, is now retained by the county.

Small Claims Filing Fees and Cash Fees — Set fees collected by the clerk of court for filings. The money is delivered to the county.

Law Library Fees — A fee collected with the filing fee in each case for a special county law library fund.

Reciprocal Payments — Child support payments paid through the clerk of court from one party and forwarded to the other party for the support of children.

Trust Fund/Cash Bond — Funds held in trust with the court pending court action. The funds are either returned to the party or, in the case of bonds, forfeited or held for payment of fines.

Court Appointed Attorney Fees - paid by indigent defendants after trial, usually as a condition of probation, reimbursed into county general fund.

Restitution - amount paid by defendant to reimburse injured party. No part retained by the court.

Other — Miscellaneous monies handled through the Unified Judicial System that are not listed above.

Court Services

Legislation which expanded the duties and responsibilities of court services became effective early in Fiscal Year 78. The Youth Services Program administered by the Department of Social Services was transferred to the Unified Judicial System's court services program. The transfer created the "alternative care" program whereby court services officers are now responsible for the evaluation and placement of children in need of supervision and delinquent juveniles into foster and group homes. The program is also designed to furnish the youth with various evaluations, medical and dental treatment and to provide after care services upon returning to their natural homes.

A second program, effected by the legislation, transferred felony probation services from the Department of Social Services to the Unified Judicial System's court services program.

The expansion of services has resulted in the unification of all youth and probation services within the Unified Judicial System of South Dakota.

Each of the eight judicial circuits is provided with administrative support by the court services program. Upon unification of the judicial system, forty-two juvenile probation officers who served the former district county courts, like other judicial personnel, were incorporated into the Unified Judicial System as state employees. Their titles were changed to "court services officers" to represent more fully their services to the local communities, the offenders, and the judiciary.

The primary duties and responsibilities of the court services officers include: 1) intake preliminary investigations; 2) juvenile diversion program services; 3) juvenile prehearing social case study investigations, reports, and recommended treatment

services; 4) juvenile probation and family treatment services; 5) felony presentence investigations, reports and recommended treatment services as ordered by the courts; and 6) felony probation treatment services as ordered by the courts.

The following charts depict fiscal year 1978 and 1979 court services caseload statistics:

Court Services Caseload Statistics: Juvenile

	DELINQUENCY										CHILD IN NEED OF SUPERVISION									
	referral		diversion		informal adjustment		PSI's*		placed on probation		referral		diversion		informal adjustment		PSI's*		placed on probation	
	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79
First Circuit	365	452	227	272	56	18	52	60	51	95	39	38	10	5	10	3	18	8	9	5
Second Circuit	521	750	48	39	4	1	273	337	135	168	162	173	21	9	3	1	84	102	61	65
Third Circuit	338	378	91	122	46	14	168	84	161	123	15	38	3	1	0	1	9	13	5	13
Fourth Circuit	159	263	84	109	2	4	51	79	49	81	10	34	1	6	0	1	4	12	4	5
Fifth Circuit	230	322	5	2	2	6	44	66	172	202	16	41	0	1	1	0	6	7	8	28
Sixth Circuit	325	364	203	77	61	10	48	56	45	55	27	31	10	3	4	3	8	6	6	5
Seventh Circuit	374	497	239	192	0	24	87	104	84	128	47	57	28	6	0	1	14	20	14	14
Eighth Circuit	91	148	12	152	24	6	54	19	35	64	16	34	3	2	3	2	10	2	8	17
State Total	2403	3174	909	865	195	83	777	805	732	916	332	446	76	33	21	12	153	170	115	152

Court Services Caseload Statistics: Adult

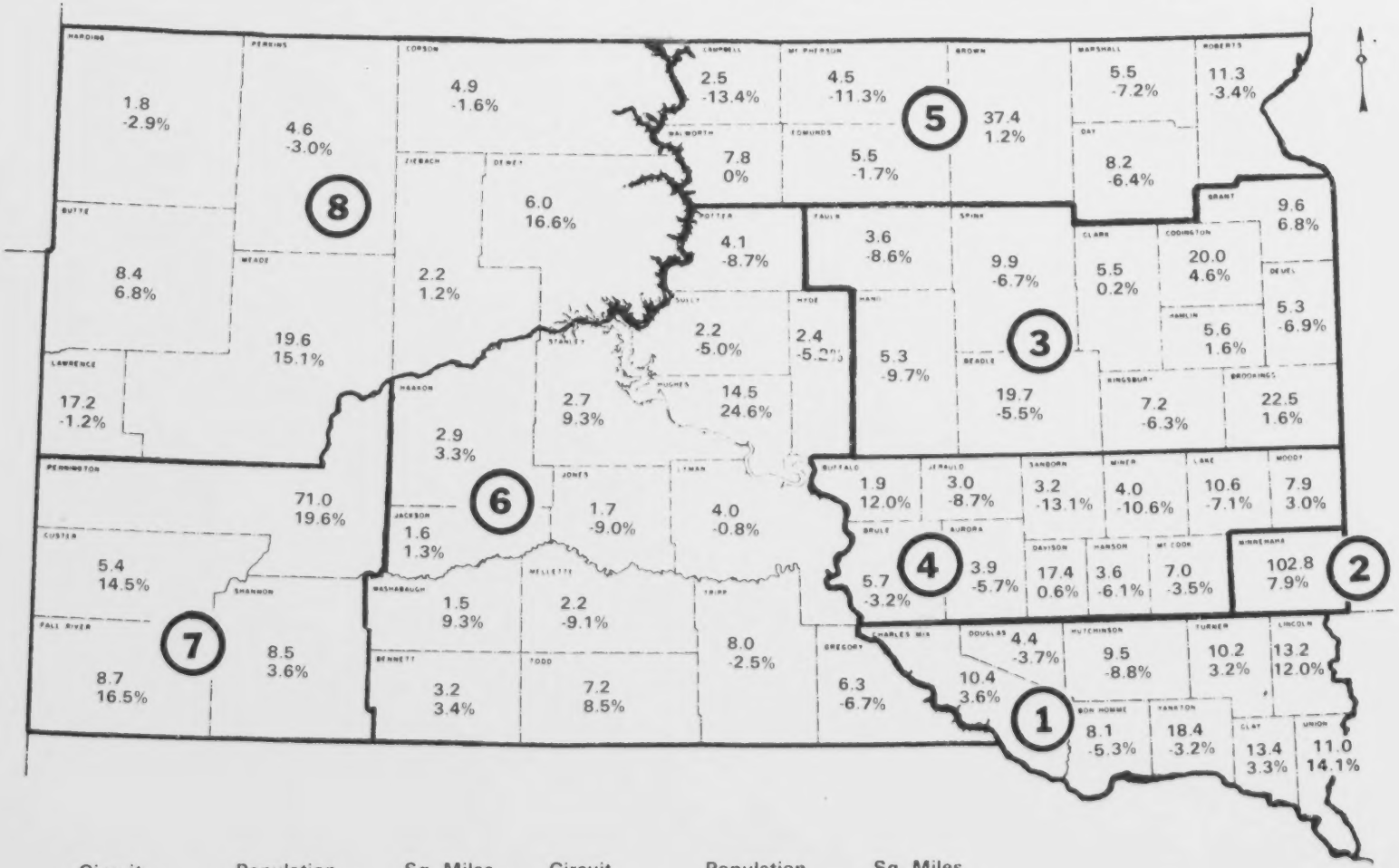
	Misdemeanant Service				Felony Service				Probation at FY end	
	PSI* Reports		Probation		PSI* Reports		Probation			
	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79	FY78	FY79
First Circuit	5	190	27	148	34	37	72	51	137	61
Second Circuit	2	618	157	1115	31	32	140	99	229	138
Third Circuit	52	151	25	224	82	38	68	61	139	78
Fourth Circuit	18	39	20	28	45	24	47	28	67	47
Fifth Circuit	6	7	8	258	27	22	47	56	89	65
Sixth Circuit	19	121	11	110	50	35	35	41	87	61
Seventh Circuit	166	193	214	831	96	63	114	77	212	103
Eighth Circuit	4	62	26	346	96	19	114	27	56	29
State Total	272	1381	488	3060	461	270	637	440	1016	582

*Pre-Sentence Investigation

Population Data

Population changes, based on Bureau of Census estimates as of July 1977, are shown in the chart. The first set of numbers shown in each county represents population in thousands. The second set of numbers represents the percentage figure of net increase (decrease designated by a minus symbol) in the seven-year period since 1970. The overall net increase for the state estimated since 1970 is about 23,000. This increase is reflected primarily in the judicial circuit data for the population centers. The third, fourth, and fifth judicial circuits seem to be decreasing slightly except in the counties which contain population centers. The eighth judicial circuit, which was previously the lowest in population, shows a substantial increase in Meade County while the sixth judicial circuit now becomes the circuit having the lowest population.

Judicial Circuits and Population Change from 1970 to 1977



Circuit	Population 1970	Population 1977	Sq. Miles
First	96.7	98.6	5,471
Second	95.2	102.8	813
Third	115.9	114.2	10,292
Fourth	70.7	68.2	6,203
Fifth	84.6	82.7	8,411
Sixth	62.1	64.5	17,731
Seventh	79.8	93.6	8,179
Eighth	61.3	64.7	18,859
Totals	**666.2**	**689.3**	**75,959**

NEW DEVELOPMENTS AND PROJECTS

In the continuing effort to improve the practices and techniques that contribute to the efficient administration of justice in the state, the Supreme Court and its administrative staff initiated, or continued, the following projects during fiscal year 1978.

Committees on Rules Development

A committee of trial specialists, under the chairmanship of Supreme Court Associate Justice Roger L. Wollman, was appointed by Chief Justice Dunn and assigned the task of studying established rules of evidence. The purpose of this study was to make recommendations regarding rules of evidence for adoption into the legal system of South Dakota.

The early decision of the committee was to develop a set of proposed rules based as closely as possible upon the Federal Rules of Evidence, so that the legal community of the state would have the advantage of a growing body of case law interpreting the Federal Rules.

After extensive study and deliberation during the previous fiscal year, the committee proposed the South Dakota Rules of Evidence, which became the basis for a day-long seminar under the sponsorship of the Continuing Legal Education Committee of the State Bar Association. The seminar was held in Mitchell on November 11, 1977, and resulted, after some additional changes, in the final draft that was submitted in January, 1978, to the Supreme Court for adoption.

Members of the committee, in addition to Chairman Wollman, were Justice James M. Doyle, Justice Donald J. Porter, Reporter C.A. Groseclose, Jr., R.E. Clabaugh, R.C. Heege, C.R. Johnson, F.M. Smith, and S. Zinter. The Committee also recognized valuable guidance from Professor James Adams of McGeorge School of Law, and Federal Judge Fred Nichol.

Staffing Hearings

Among other administrative activities of the Supreme Court, two staffing hearings were held toward the end of the fiscal year. These hearings are held as a matter of procedure in situations involving requested or required staffing changes in the circuit. In each such instance, a review of all staffing needs is conducted by the Court to determine the appropriate changes for the personnel plan in that circuit. **The Third Judicial Circuit** staffing hearing was required by the retirement of Judge Lyle E. Cheever from that Circuit. The hearing was held on May 4, 1978, in the Beadle County Courthouse and the decision was to continue in that Circuit with six circuit judges and to eliminate the law trained magistrate positions. The **Second Judicial Circuit** hearing was held on May 5, 1978, in Minnehaha County Courthouse, and the decision of the Supreme Court was that the Second Circuit should have two full-time law-trained magistrates in addition to the five circuit judges.

Microfilm Conversion

As part of the administrative effort to make more efficient use of the available filing space, the Supreme Court Clerk's Office is continuing its program to provide for the conversion of early Supreme Court case records onto microfilm. This project is expected to continue into fiscal year 1980.

Data Processing

Two automated systems were implemented during the fiscal year as part of the judicial information system, both of which have contributed to the improved information resources available to the judiciary. One of these involves the processing and filing of data on criminal actions. This is accomplished by recording information received from the clerks of court on a case-by-case basis. This provides details for each step in the criminal prosecution process as it is documented by the clerk. The information furnishes the foundation for a number of data collection reports that have been developed. The reports, produced periodically according to a

programmed schedule, include a list of the pending cases and dispositions for each county, which is sent to the presiding circuit judge, and a printed index of current information, sent to the clerks of court for their verification and general reference. The availability of this data in the processing center adds a valuable dimension to the information system for purposes of case research and as a basis for program decision-making and the allocation of resources in the system.

A second application of the state data processing equipment involves the recording of the collection and disbursement of funds by the offices of the magistrates and the clerks of court. This information is received from the circuits on a monthly basis and recorded in the data center. It was automated at the end of the fiscal year and it provides an immediate resource for more simplified and less expensive record keeping, and an improved allocation and planning process for the future. It will also furnish cross-reference reconciliation of accounting information for the circuit courts.

Personnel Projects

In addition to the integration of the criminal case records and the accounting system into the computer operation, changes were made during the year in the data processing of the judicial personnel system. The data files, previously automated, were modified into a different format for integration with the system in use by the executive branch. The purpose of this project is to create uniformity among the various components of the state personnel record-keeping system to improve the overall administrative capability.

Also, a study of personnel positions was begun in the latter part of the fiscal year, to continue into fiscal year 1979. The purpose of the project is to clarify the functions of the various personnel in the judicial system so that the proficiency of the management activities in the classification and evaluation of duties can be improved.

Court Reporting Study

In a project that resulted in a September, 1977 publication, the National Center for State Courts was contracted to conduct a study of the current practices and performance of court reporters in the state. The results of the study included recommendations regarding classifications of reporters, standards of proficiency, basis of assignment, acceptable workload, and the handling of transcripts. The report includes a brief but interesting discussion of the use of audio equipment in creating transcripts of court actions, and reference is given in that report to a 1977 Denver study by the National Center for State Courts on the same subject.

Also contained within the study is a brief section on the subject of computer-aided transcriptions. With reference to the use of audio equipment, a recommendation is made to conduct a pilot project in South Dakota to test the feasibility of the use of cassette recording devices, since these could be of particular value in the less populated parts of the state.

Some of the recommendations of the study have been implemented through changes in the appellate rules and personnel rules promulgated by the Supreme Court.

Fiscal and Accounting Developments

During the year, a comprehensive audit and inventory process was initiated throughout the county offices of the court system. The process is expected to improve control over revenue collection, expenditure procedures and equipment use.

The audit, conducted by a private accounting firm, was performed to promote uniformity and increased understanding of the bookkeeping practices necessary for integration into a comprehensive state-wide fiscal process. The clerks of court and magistrates' offices of all the counties were included in the initial audit. Future audits will be made of selected counties to maintain continued uniformity of the accounting process.

The inventory was conducted to improve the accuracy of the equipment records system and to provide more advanced procedures for monitoring and controlling equipment in use throughout the court system.

Publications

As part of the effort to promote uniform handling of judicial business throughout the state, the production of three manuals has been authorized to assist various court personnel in performance of their duties. The first of these, the **South Dakota Manual for Clerks of Court**, was completed and produced in June, 1978. The other two are discussed in the fiscal year 1979 material.

The Clerks of Court Manual provides procedural information to assist court personnel in discharging the various responsibilities of their clerical office. Contents of the publication include filing and docketing processes for the handling of criminal and civil actions, management of courtroom records, forms and processes for accounting, and the forms for the judicial information system reporting.

Court Services Reorganization

Legislative action during fiscal year 1978 transferred felony probation services and youth services from the Department of Social Services to the Unified Judicial System. As a result of this increased responsibility, a major reorganization of programs and services was required in the court services operations.

The expanded services provided to the courts by this reorganization included the development of the Alternative Care Program. Through this program, judges are able to refer adjudicated juveniles directly to court services officers, rather than the Department of Social Services, for foster home or residential group care placement. These facilities are available as an alternative to inadequate family situation or commitment to the state training school.

In addition to the advantages of alternative care, the transfer of felony probation services to the Unified Judicial System permits the judges more control over those felons placed on probation in the community. Also, this transfer of services permits sentencing judges to employ court services officers to provide presentence investigation reports. This furnishes the court with an evaluation by court staff of relevant factors in the background of convicted felons to assist the court in sentencing decisions.

Fiscal Year 79

The following programs were implemented during fiscal year 1979.

Appellate Rules

In fiscal year 1978, a committee was created to study rules of appellate procedure and develop appropriate recommendations for the Supreme Court. After extensive research and deliberation, proposals were submitted for Court approval during fiscal year 1979 and the results were incorporated into the statutes by the 1979 legislature, as the Rules of Civil Appellate Procedure (SDCL 15-26A). The committee, under the chairmanship of Joe Butler, included the participation of Judge Irving N. Hoyt, and attorneys James Doyle, and William Fuller.

Staffing Hearings

Two staffing hearings were held by the Supreme Court during the fiscal year. In August, one such hearing was held to consider changes in the staffing structure of the Seventh Judicial Circuit, and in June of 1979, another was held to consider changes in the personnel of the Eighth Judicial Circuit. Neither of these resulted in any significant change in the staffing pattern for those circuits.

Restitution

Another statutory specification affecting the operation of the courts is that part of the 1978 criminal procedure revision (SDCL 23A-28) that promotes court participation in the payment of restitution to the victims of crime. Money paid by the defendant as a condition of sentence is received by the clerk of courts and paid to the victim according to the plan of the court. The court services officer is instrumental in the control of these payments. In fiscal year 1979, the amount handled by the court in this category was over $215,000.

Manual for Lay Magistrates

To improve uniformity and efficiency in the judicial processes throughout the state, two additional manuals were in production during fiscal year 1979. One of these, the **South Dakota Manual for Lay Magistrates**, was published in January 1979 to provide assistance to bench personnel in the courts of limited jurisdiction. It furnishes material for reference use and training. Contents include procedural instruction for criminal actions and small claims, samples of forms used in the court process, and a schedule of fines for various criminal charges.

Benchbook

A manual for circuit judges, the **South Dakota Benchbook**, was also in process during the year, and published in the summer of 1979, this is organized as 1) a compendium of statutes and case law applicable to all aspects of court action, 2) judicial forms, and 3) miscellaneous information relevant to the judiciary.

Regular revision and maintenance of the benchbook, as well as the clerks' and

magistrates' manuals, to reflect technical improvements and statutory changes, will be the continuing responsibility of the State Court Administrator's Office.

Other Publications

Two other publications have been prepared as a result of research projects initiated by the State Court Administrator's Office. One of these is a brochure to provide guidelines for bailiffs in the circuit courts. This booklet, entitled **Handbook for Bailiffs**, covers the range of functions and responsibilities of bailiffs in the courtroom.

In addition to the bailiff's handbook, another brochure released to the public late in 1979 is entitled **How to Use South Dakota's Small Claims Court**. This publication summarizes the relevant aspects of initiating, preparing, and conducting a small claims action.

Court Services Expansion

During fiscal year 1979, court services programs were expanded into misdemeanant trials and restitution to victims of crime.

The state-wide misdemeanant program provides a number of full-time law-trained magistrates and circuit court judges with court staff to perform presentence and probation functions in misdemeanor cases similar to the services provided to the courts in felony and juvenile cases. Also, implementation of the restitution program was made substantially the responsibility of the court services officers. When a court orders a plan of restitution, the convicted defendant is required to pay for damages to the victim of the crime. The court services officer, working through the clerks of court, coordinates the execution of the court plan.

Also, during fiscal year 1979, a statewide court services professional development program was implemented. Each court services officer receives annually a minimum of 40 hours of classroom training which relates to various court services functions.

Judicial Planning Committee

A Judicial Planning Committee was appointed by the Supreme Court to assist in obtaining and coordinating suggestions for the improvement of the judicial structure of the state. Functioning through the coordination of a full-time judicial planner, the committee will administer a survey soliciting suggestions from government agencies and private citizens that have some special interest in, or knowledge of, the court system. After organizing and analyzing the suggestions received, the committee will formulate a state judicial plan to be submitted for the approval of the Supreme Court. This plan will then be submitted to the Division of Law Enforcement Assistance for incorporation into the South Dakota state annual comprehensive criminal justice plan to be funded by the Law Enforcement Assistance Administration.

Judicial Information System

To promote continued improvement of the judicial information system, revisions were made in the manual reporting forms for non-criminal case data, and in the automated module for juvenile reporting. These are a reflection of the re-evaluation of the information system that is being conducted continually by the State Court Administrator's Office to develop a more valuable data base for the Unified Judicial System.

Also, research was initiated in fiscal year 1979 to consider changes to the judicial information system for the accommodation of executive agency needs. This is intended to enhance the inter-agency value of the information system.

In addition to the processing of Unified Judicial System financial data and personnel files, the state data center produces a number of printed periodic reports for use in the Judicial Information System. The reports briefly described below are among those sent on a regular basis — usually each month — to the offices of the circuit courts.

Criminal Defendant Action Report. Contains all basic data for each defendant in each step of the prosecution of felony and class-one misdemeanor cases. This form is revised for each sequential step in the process to provide current status on each action.

Criminal Case Index. Presents a tabulation, compiled by current calendar year with monthly additions, of disposed felony and class-one misdemeanor cases, in alphabetical order by defendant.

Pending Case Report. Lists all criminal cases, including class-two misdemeanors, that have not reached final disposition.

Summary of Criminal Dispositions. Totals all categories of criminal case dispositions by circuit.

Juvenile Referral Action Report. Contains basic data on all juvenile referrals, revised for each sequential step in the juvenile process, to provide current status of actions.

Active Court Services Caseload Report. Maintains caseload file information, including offense, status, review and probation date. This report also contains all dispositions for juveniles and for adults on probation.

Juvenile Service by Provider Facility. Includes juvenile placement information by provider facility — institution, foster home, group home, etc. — showing all significant data for service provided, placement and termination dates, and costs.

Court Services Officer Activity Report. Summarizes investigations and other activities performed by the court services officer during the report period.

Court Services Referral Summary. Issued quarterly, provides pertinent data on juvenile referrals during the report period.

Education Report. Provides placement and termination data to the special education agency of the state for tuition billings.

Supplementing the regular periodic reports, there are a number of support items produced by the data processing equipment. Index forms and file cards are provided, for example, with appropriate data printed out, to assist in the daily working routines of the courts. Other agencies also receive benefit from the Judicial Information System. Select criminal report data is sent regularly to the Attorney General's staff and to the Department of Public Safety to assist in their crime-control effort.

With the addition of the Statistical Analysis System (SAS) to the state data processing equipment in the summer of 1979, a new and valuable dimension has been added to the applications of the Judicial Information System. SAS simplifies the facility of selecting, comparing, and compiling statistics from the judicial system information stored in the data center. Most of this data was previously only available through the more complex process of program initiation or program change. With the addition of the SAS capability, elements of information are not only made more easily accessible, but a variety of processes can be introduced in the application of these elements to specific management needs.

Other Studies

A number of research projects were in process during the period covered by this report. The following are among those intended to optimize the efficiency and minimize the confusion and expense of court-related operations.

1) On-line Docketing: Evaluation of various electronic records-control apparatus to determine the applicability of these devices to the reporting and filing needs of the circuit courts, particularly those in the more populous areas.
2) Clerk Staffing: Promotion of techniques to develop optimum staffing patterns in clerks of court offices.
3) Jury Selection: Improvement of venire selection and jury participation. In response to a study conducted by the National Center for State Courts, the report for which was published in December, 1978, attention is being directed to the improvement of jury selection practices, and consideration is being given to the possibility of applying automation techniques to the process.
4) Resource Allocation: Development of an effective and defensible method of determining resource needs in the circuit courts. This will aid in the budgeting of resources and will assist in relations with the legislature in the appropriation-request process.
5) Computer Packages: Analysis of PROMIS and GAVEL, two acronymic designations for processes representing computer software packages. These are applicable to the organization and analysis of information relating to the judicial process.
6) Cost Management: Initiation of management control devices in the Division of Planning and Systems Development of the State Court Administrator's Office. The objective of this is to monitor and control costs in the operations of this division.

Projected Activities: Fiscal Year 1980

Microfilming and Record Retention. In response to the research project conducted by the National Center for State Courts, the State Court Administrator's Office will begin to implement their recommendations. As part of the inventory and procurement activity of the SCA, the program will emphasize three areas of special interest:

1) A retention schedule to set standards on how long various forms — traffic citations,

dockets, receipts — are to be kept, and which can be destroyed.

2) Forms design, to include the analysis and improvement of the present format of court documents.

3) A study of our present filing systems, to determine their adequacy and the value of microfilm applications to them.

During fiscal year 1980, the court services office will design, test, and implement a functional workload approach for caseload management purposes. The system will establish workload standards for court services workers, and will provide a cost accounting system for workload functions. In addition, the measurement instrument will provide for a differentiated offender classification procedure.

"If we want to improve the administration of justice in our country, we must experiment and search constantly for better ways, always remembering that our objective is fairness and justice, not efficiency for its own sake."

Chief Justice Warren E. Burger